



To: Cosmetology Schools and Designated School Managers
From: Catrina Mairose, Chief of Staff
Re: Newly Adopted Rules
Date: August 1, 2016

Memo

The Minnesota Board of Cosmetologist Examiners (BCE) has adopted new rules that will take effect on September 13, 2016. This memo will provide initial information on how you will be notified of these rule changes and how to proceed with implementing the changes in your schools. We strongly encourage you to distribute this to your school staff and any other interested party.

Thank You

Thank you to all the instructors, school managers, and school staff who offered guidance during our rule making process. Since 2014, the cosmetology community has been assisting the BCE in our major rules overhaul. We received many insightful comments and recommendations to help shape the rule changes that will take effect on September 13, 2016. We couldn't have done it without you!

What to Know Now

Final Rule Text

The text of all rule changes is enclosed with this memo. Please view page 4 of this packet for more information on the newly adopted rules. Be aware that the final rule changes may vary from past versions of rule drafts; please refer to the rule changes included in this packet rather than past drafts.

BCE Bulletins

In August, the BCE will be releasing three bulletins highlighting the most impactful and notable rule changes. Each of the three bulletins is created for a specific group—one for practitioners, one for salons, and one for schools. These bulletins will be emailed to licensees and posted on the BCE website at www.bceboard.state.mn.us.

Infection Control

The new rules have many clarifications regarding infection control that your school will want to implement as soon as possible. Beginning now, you can use the rule changes to follow proper infection control procedure. These are based on industry standards, so most items may already be implemented in your school.

Testing

The State Laws and Rules Test will not reflect any rule changes until next year, approximately September 2017. The exam is reviewed yearly and a new version is being released September 1, 2016, but this update does not include any rule

topics that are not contained in both the current (old) rules and the newly adopted rules.

Change in Quotas One significant change for schools is an adjustment in service quotas. The new rules require the following quotas to be completed within cosmetology and esthiology training programs: 60 facials, 40 makeup applications, 20 facial waxes, and 20 body waxes with one half of all 40 waxes using hard wax and the other half using soft wax. Any cosmetology or esthiology student who completes their training hours after January 1, 2017 must meet these quota requirements.

Town Hall Meetings The BCE is hosting a series of six town hall meetings across the state. These meetings will discuss highlights of important rule changes. Please see page 3 of this packet for the calendar.

Dates to Remember

| 2016 | |
|------------------------|--|
| Early August | Bulletins on rules highlights for practitioners, salons, and schools released |
| September 6 | Notice of Adoption published in State Register |
| September 13 | New rules take effect |
| September 12-16 | Full text of Rule Chapters 2105 and 2110 released electronically |
| Mid-October | Updated rule books available from Minnesota's Bookstore |
| 2017 | |
| January 1 | All cosmetology and esthiology students who complete training on or after this date must meet updated quota requirements |
| September | State Laws and Rules Test will be updated to reflect rule changes |

Questions

If you have questions regarding rule changes, please email bce.board@state.mn.us or call 651-201-2751. If you call and receive a voicemail prompt, please leave a detailed message with your questions.



TOWN HALL MEETINGS

The **Minnesota Board of Cosmetologist Examiners** is hosting a series of Town Hall meetings to present and discuss **new rules taking effect this fall**. A major rules overhaul has resulted in many changes and improvements that will affect cosmetologists, estheticians, nail technicians, salons, and schools.

DULUTH

MONDAY, AUGUST 29TH
1:00 – 3:00 PM

Duluth Public Library, Green Room
520 West Superior Street
Duluth, MN 55802

ST. CLOUD

MONDAY, SEPTEMBER 12TH
10:30 AM – 12:30 PM

Great River Regional Library, Bremer Room
1300 West St. Germain Street
St. Cloud, MN 56301

MOORHEAD/FARGO

MONDAY, SEPTEMBER 19TH
9:00 – 11:00 AM

Radisson Fargo, Skyview 16th Floor
201 5th Street North
Fargo, ND 58102

MAPLE GROVE

MONDAY, SEPTEMBER 26TH
9:30 – 11:30 AM

Maple Grove Library, Main Street Room
8001 Main Street North
Maple Grove, MN 55369

BLOOMINGTON

MONDAY, SEPTEMBER 26TH
2:00 – 4:00 PM

Penn Lake Library
8800 Penn Avenue South
Bloomington, MN 55431

ROCHESTER

MONDAY, OCTOBER 10TH
1:30 – 3:30 PM

Rochester Public Library, Auditorium
101 2nd Street Southeast
Rochester, MN 55904

For questions, please email BCE.Board@state.mn.us with
“Town Hall” in the subject line or call 651-201-2742.



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Information on the Newly Adopted Rules

About the Attached Rules:

- The attached copy shows only the changes to the current rules, and does not show any rules that have not been changed.
- Every section listed is changed from the current rules, even though there is no underlining or strikeout.
- Underlining and ~~strikeouts~~ show the newest changes resulting from comments and discussions with licensees and others after the drafts were circulated in March, 2016.
- The complete list of repealed (eliminated) rules is on the last page.

Frequently Asked Questions:

Who approved the rules? After the Board reviewed all of the comments from cosmetologists, estheticians, nail technicians, salons, schools, instructors, school managers, and other interested parties, additional changes were made to the rules draft. The attached rules with the changes were approved by the Honorable Judge LaFave, the Office of Administrative Hearings, the Revisor's Office, and the Governor's Office and have been adopted by the Board.

When do the rules become effective? The anticipated effective date is September 13, 2016.

Where can I get a complete copy of all of the rules? A complete copy of the all of rules will be available on the BCE website as soon as the Revisor's Office issues a complete copy, sometime during the week of September 13th. The Minnesota Bookstore expects to have rule books for purchase in mid-October.

Is there a summary available? The Board expects to have a summary of the most important changes posted on the website in early August. There are over 500 rule changes, so the summary will highlight only some of the changes for current licensees, salons and schools.

Will there be meetings about the new rules? Yes, the BCE will host town halls in Duluth, Moorhead, Bloomington, Maple Grove, St. Cloud, and Rochester. The town hall schedule will be available on the BCE website and Facebook page.

What if I have questions? You can email the BCE at bce.board@state.mn.us or call 651-201-2751. If you call and get a voicemail, please explain your question so that we can answer it even if we get your voicemail when we call you back.

1.1 **Board of Cosmetologist Examiners**

1.2 **Adopted Permanent Rules Regulating Cosmetologists, Estheticians, Nail Technicians,**
1.3 **Salons, and Cosmetology Schools**

1.4 **2105.0010 DEFINITIONS.**

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

1.6 Subp. 2. **Advertising.** "Advertising" means any written or graphic representation
1.7 designed to elicit enrollment or the sale of goods or services and includes signs, displays,
1.8 circulars, business cards, brochures, and recruitment materials in print, on air, or online.

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

1.10 Subp. 4a. **3a. Nonmedical Chemical peel.** ~~"Nonmedical chemical peel"~~ "Chemical
1.11 peel" means a chemical exfoliation achieved by applying ~~skin exfoliation acids, limited to~~
1.12 ~~alpha hydroxy acids of 30 percent or less, with a pH of not less than 3.0; and salicylic acid~~
1.13 ~~of 15 percent or less~~ nonprescription chemical solutions or products.

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

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

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

1.21 Subp. 5. [See repealer.]

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

1.23 Subp. 7. **Dispensary.** "Dispensary" means a physical location or area in a salon
1.24 or school where products, chemicals, and disinfectants are prepared, measured, mixed,
1.25 portioned, or disposed of, and where tools and implements are cleaned and disinfected.

2.1 Subp. 8. [See repealer.]

2.2 Subp. 9. [See repealer.]

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

2.4 Subp. 10d. **Hazardous.** "Hazardous" means a hazardous substance or harmful
2.5 physical agent as defined under part 5206.1500, subpart 6, or any substance defined as
2.6 hazardous in Code of Federal Regulations, title 29, part 1910.1200.

2.7 Subp. 10e. **Homebound.** "Homebound" means an individual lacks the physical or
2.8 intellectual capacity for independent transportation and is unable to travel independently
2.9 to a licensed salon.

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

2.16 Subp. ~~11b.~~ 11a. **Nonmedical Microdermabrasion.** "~~Nonmedical~~
2.17 ~~microdermabrasion~~" "Microdermabrasion" means a cosmetic procedure ~~in which all or~~
2.18 ~~part of the stratum corneum is removed by light abrasion~~ using mechanical or manual
2.19 means of light abrasion on the skin.

2.20 Subp. ~~11e.~~ 11b. **Nursing home.** "Nursing home" means a facility that is licensed
2.21 under Minnesota Statutes, chapter 144A, and does not include any attached or adjacent
2.22 facilities that are not licensed as a nursing home under Minnesota Statutes, chapter 144A.

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

3.1 Subp. ~~4e.~~ 11d. **Physical location.** "Physical location" means the contiguous space
3.2 representing each salon that can be accessed by customers without exiting the salon.

3.3 Subp. ~~4f.~~ 11e. **Porous material.** "Porous material" means a material that absorbs
3.4 liquid or allows liquid to penetrate.

3.5 Subp. ~~4g.~~ 11f. **Simple braiding devices.** "Simple braiding devices" include clips,
3.6 combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

3.7 Subp. ~~4h.~~ 11g. **Special event.** "Special event" means an event held for any purpose
3.8 other than the provision of licensed services, where a participant in the event may receive
3.9 the limited cosmetology services described in part 2105.0410, subpart 2, at a location not
3.10 in a licensed salon.

3.11 Subp. 12. [See repealer.]

3.12 Subp. 12a. **Suite-style salon.** "Suite-style salon" means a business under part
3.13 2105.0397 specializing in leasing or renting individual rooms or suites to licensees,
3.14 where the salon license may be carried by the business or where each suite has its own
3.15 salon license.

3.16 Subp. 13. **Unregulated service.** "Unregulated service" means those services not
3.17 defined as the practice of cosmetology under Minnesota Statutes, section 155A.23,
3.18 subdivision 3, and which are exempt from regulation by the board. Unregulated services
3.19 are ear piercing; body art; body painting; henna tattoos and permanent tattoos; eyebrow
3.20 embroidery; eyebrow microblading; permanent hair removal; permanent makeup;
3.21 tanning by UV radiation and spray tanning units; ~~botox and other~~ injectables; services
3.22 for theatrical, television, film, fashion, photography, or media productions or media
3.23 appearances; mortuary services; massage; body wraps when performed by a massage
3.24 therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts
3.25 10a to 10c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision
3.26 13. Ordinances by local units of government that prohibit hair braiding, hair braiding

4.1 services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating
4.2 to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are
4.3 preempted by this part.

4.4 Subp. 14. **Work area.** "Work area" means a space where cosmetology, esthetician,
4.5 or nail services are provided. A separate work area is created when the service area is
4.6 partitioned from other salon spaces or work areas by walls at least six feet high and
4.7 doorways of less than five feet in width.

4.8 **2105.0105 SCOPE.**

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

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

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

4.16 C. cleansing, massaging, and stimulating the scalp;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6.1 **2105.0110 ADVERTISING.**

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

6.3 A. It is a violation of this chapter to advertise or offer any board-regulated
6.4 services from an unlicensed salon or an unlicensed practitioner.

6.5 B. Any salon advertisement must list the licensed name of the salon as
6.6 shown on the salon license. Franchise and corporations using a common brand name in
6.7 advertisements related to multiple locations may use the common brand name instead
6.8 of the full assumed name listed on the salon license. Salons that reference staff names
6.9 in any advertisement must list at least the first name of the licensee as shown on the
6.10 individual's license.

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

6.13 D. A practitioner leasing space in a licensed salon ~~or leasing a suite in a licensed~~
6.14 ~~suite-style salon~~ may advertise under a business name. Each time if the full name of the
6.15 practitioner as shown on the practitioner's license is listed. If the practitioner's full name is
6.16 not listed, wherever the business name appears, it must be immediately followed by "at
6.17 (insert legible name of salon as it appears on the salon license)."

6.18 **2105.0115 INSPECTIONS.**

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

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

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

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

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

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

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

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

7.15 B. If an order to comply is issued by the board inspector, the salon and DLSM,
7.16 or the permit holder under part 2105.0410, must report to the board via mail or e-mail,
7.17 within ten business days of the order's issuance, using a form provided by the board.
7.18 The report must:

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

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

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

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

8.11 A. Violations of this chapter, chapter 2110, and Minnesota Statutes, chapter
8.12 155A, cited on a board inspection, are subject to:

8.13 (1) application of penalties prescribed in Minnesota Statutes, section
8.14 155A.25; and

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

8.16 B. Board staff must issue penalties prescribed in Minnesota Statutes, section
8.17 155A.25, for violations in subitems (1) to (4) cited during a board inspection of a salon or
8.18 permit holder except as provided for in subpart 5. Licensees must pay penalties in full
8.19 before any license is renewed or issued.

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

8.22 (a) each expired practitioner's license;

8.23 (b) each expired salon license;

8.24 (c) each current license of a practitioner or salon not conspicuously
8.25 displayed;

- 9.1 (d) esthetician or cosmetology services performed or offered in a
9.2 nail salon;
- 9.3 (e) cosmetology or nail services performed or offered in an esthetician
9.4 salon;
- 9.5 (f) reuse of or failure to dispose of single-use items immediately
9.6 after use;
- 9.7 (g) the presence of prohibited callus shavers, graters, or rasps; and
9.8 (h) refusal or failure to cooperate with an inspection.
- 9.9 (2) A DLISM is subject to penalty for violations cited during inspection for:
- 9.10 (a) each expired practitioner's license, including the DLISM;
- 9.11 (b) each expired salon license;
- 9.12 (c) each current license of a practitioner or salon not conspicuously
9.13 displayed;
- 9.14 (d) esthetician or cosmetology services performed or offered in a
9.15 nail salon;
- 9.16 (e) cosmetology or nail services performed or offered in an esthetician
9.17 salon;
- 9.18 (f) reuse of or failure to dispose of single-use items immediately
9.19 after use;
- 9.20 (g) the presence of prohibited callus shavers, graters, or rasps; and
9.21 (h) the DLISM's refusal or failure to cooperate with an inspection.
- 9.22 (3) An individual practitioner is subject to penalty for violations cited
9.23 during a salon inspection for:

- 10.1 (a) the practitioner's expired license;
- 10.2 (b) the practitioner's current license not conspicuously displayed, if
10.3 a current license is held;
- 10.4 (c) esthetician or cosmetology services performed or offered in a
10.5 nail salon;
- 10.6 (d) cosmetology or nail services performed or offered in an esthetician
10.7 salon;
- 10.8 (e) reuse of or failure to dispose of single-use items immediately
10.9 after use;
- 10.10 (f) the presence of prohibited callus shavers, graters, or rasps; and
- 10.11 (g) the practitioner's refusal or failure to cooperate with an inspection.

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

- 10.14 (a) the practitioner's expired license;
- 10.15 (b) the practitioner's refusal or failure to cooperate with an inspection;
10.16 and
- 10.17 (c) reuse of or failure to dispose of single-use items immediately
10.18 after use.

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

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

11.1 **2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.**

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

11.5 A. a completed application form;

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

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

11.11 (1) general theory test;

11.12 (2) written practical test; and

11.13 (3) test on Minnesota laws and rules;

11.14 D. proof of completion of training as follows:

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

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

11.23 (a) equal to the curriculum and minimum hour requirements required
11.24 of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or nail

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

12.8 (b) not equal to the curriculum and minimum hour requirements
12.9 required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or
12.10 nail technician program must obtain a course certificate by applying to a Minnesota-licensed
12.11 cosmetology school as a transfer student under part 2110.0700 and must meet and
12.12 complete the school's requirements. The applicant must then submit the original course
12.13 certificate with the notarized signatures of the school manager or owner, documenting
12.14 successful completion of the required curriculum and number of hours of training: 1,550
12.15 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician.
12.16 If the completed training is more than five years old, a skills course certificate from a
12.17 Minnesota-licensed cosmetology school no more than one year old must also be submitted;

12.18 (3) an applicant who partially completed a training program licensed by
12.19 another state, or who completed an unlicensed training program in another state, must
12.20 obtain a course certificate by applying to a Minnesota-licensed cosmetology school
12.21 as a transfer student under part 2110.0700 and must meet and complete the school's
12.22 requirements. The applicant must then submit the original course certificate with the
12.23 notarized signatures of the school manager or owner, documenting successful completion of
12.24 the required curriculum and number of hours of training: 1,550 hours for a cosmetologist;
12.25 600 hours for an esthetician; and 350 hours for a nail technician. If the completed
12.26 training is more than five years old, a skills course certificate from a Minnesota-licensed
12.27 cosmetology school no more than one year old must also be submitted; or

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

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

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

13.5 A. submit a completed application form;

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

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

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

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

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

13.13 A. submit a completed application form;

13.14 B. hold a current Minnesota cosmetology salon manager license;

13.15 C. submit original passing results no more than one year old of the school
13.16 manager test covering Minnesota laws and rules related to schools; and

13.17 D. pay the fees identified in Minnesota Statutes, section 155A.25.

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

13.19 A. submit a completed application form;

13.20 B. hold a current Minnesota cosmetologist, nail technician, or esthetician
13.21 license as an operator or manager;

13.22 C. document at least 2,700 hours of licensed practice as a cosmetologist, nail
13.23 technician, or esthetician within the three years prior to application;

14.1 D. submit the original course certificate of a board-approved instructor course
14.2 on teaching methodology not more than one year old;

14.3 E. submit original passing instructor test results not more than one year old for
14.4 the instructor general theory, practical, and laws and rules tests; and

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

14.6 **2105.0183 TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.**

14.7 Subpart 1. **Applicants with required training who are licensed in another state.**

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

14.12 A. a completed application form;

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

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

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

14.24 E. original passing test results no more than one year old of a board-approved
14.25 general theory test. If a certification of licensure from a state in which the applicant has

15.1 been licensed attests that the applicant has passed such a test, this requirement is met and
15.2 the general theory does not have to be retaken;

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

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

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

15.10 Subp. 2. **Applicants with less than the required training who are licensed in**
15.11 **another state.** Applicants for a cosmetologist, nail technician, or esthetician operator
15.12 license who have not completed the required number of hours of training: 1,550 hours for
15.13 a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and who
15.14 are licensed in another state must provide the following:

15.15 A. a completed application form;

15.16 B. evidence of a current active license for at least three years in another state, or
15.17 an original course certificate from a Minnesota-licensed cosmetology school no more than
15.18 one year old with notarized signatures of the school manager or owner documenting the
15.19 completion as a transfer student under part 2110.0705 of additional training hours and
15.20 the practical skills test;

15.21 C. certification of licensure no more than 90 days old sent directly to the board
15.22 from each state where the applicant has been licensed. The license certification must
15.23 verify the current status and history of licensure, discipline history, hours of training, and
15.24 whether or not the licensee has passed a general theory and practical test. If a state does

16.1 not issue license certifications, the applicant must submit a copy of the most recent license
16.2 and a completed supplemental verification form;

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

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

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

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

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

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

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

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

17.1 B. complete an application and submit the following items:

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

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

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

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

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

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

17.15 A. a completed application form;

17.16 B. a current Minnesota cosmetologist, esthetician, nail technician, or salon
17.17 manager license;

17.18 C. documentation of at least 2,700 hours of licensed practice as a cosmetologist,
17.19 esthetician, nail technician, or instructor within the three years prior to the application;

17.20 D. certification of licensure no more than 90 days old sent to the board directly
17.21 from each state where the applicant has held an instructor license. An instructor license
17.22 certification must verify the current status and history of license, discipline history, hours
17.23 of training, and whether or not the instructor has passed an instructor general theory test
17.24 and an instructor practical test. If a state does not issue certification of licensure, the

18.1 applicant must submit a copy of the most recent license and a completed supplemental
18.2 verification form;

18.3 E. an original course certificate of a board-approved instructor course not more
18.4 than one year old. If a certification of licensure from a state where the applicant holds
18.5 a current instructor license attests that the applicant successfully completed comparable
18.6 instructor training, this requirement is met and the instructor course does not have to
18.7 be retaken;

18.8 F. original passing test results no more than one year old of a board-approved
18.9 instructor general theory test. If a certification of licensure from a state where the applicant
18.10 holds a current instructor license attests that the applicant passed a comparable instructor
18.11 theory test, this requirement is met and the instructor theory test does not have to be retaken;

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

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

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

18.19 Subp. 5. **Foreign language documents.** All foreign language documents from
18.20 another country, including records in English, must be ~~translated into English and~~
18.21 evaluated by a board-approved credentialing agency at the applicant's expense.

18.22 **2105.0184 MILITARY TEMPORARY LICENSE.**

18.23 Subpart 1. **Application and issuance.** In compliance with Minnesota Statutes,
18.24 section 197.4552, the board shall issue military temporary (MT) licenses for

19.1 cosmetologists, estheticians, nail technicians, salon managers, instructors, and school
19.2 managers valid for a 12-month license cycle. An applicant for an MT license must submit:

19.3 A. a completed application for an MT license;

19.4 B. credentials establishing the applicant's identity as:

19.5 (1) an active duty military member;

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

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

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

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

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

19.17 **2105.0186 CONTINUING EDUCATION (CE) PROVIDERS.**

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

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

19.22 B. A core CE course requires board approval, and must be offered only by a
19.23 board-licensed cosmetology school, postsecondary school licensed by the Office of Higher

20.1 Education under Minnesota Statutes, section 136A.103, paragraph (a), or a professional
20.2 association recognized by the board under item C.

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

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

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

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

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

20.18 A. A professional practice CE course as required by Minnesota Statutes, section
20.19 155A.271, subdivision 1, paragraph (b), must consist of a four-hour course based on any
20.20 or all of the following within the licensee's scope of practice:

20.21 (1) product chemistry and ~~chemistry~~ chemical interaction;

20.22 (2) proper use of machines and instruments;

20.23 (3) business management, professional ethics, and human relations; or

20.24 (4) techniques relevant to the type of license held.

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

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

21.10 (2) A cosmetology school and a board-recognized professional association
21.11 may offer the professional practice CEs in person; or online; ~~or by independent study~~;
21.12 and must apply for approval of the professional practice curriculum in writing on forms
21.13 supplied by the board and submit the lesson plan and course objectives, qualifications of the
21.14 presenters and course developers, and payment of the fees required by Minnesota Statutes,
21.15 section 155A.25, if the provider approval fee has not been paid in the current calendar year.

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

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

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

21.23 Subp. 3. **Providers of instructor CE courses.** Instructor license renewal requires
21.24 30 CE hours of board-approved courses on teaching methodology and 15 CE hours on
21.25 clinical practice in the instructor's licensed field.

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

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

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

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

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

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

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

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

23.9 Subp. 7. **Audit provisions for CE courses and providers.** The board is authorized
23.10 to audit a CE course at any time. A course provider must allow board staff to attend a
23.11 CE course at any time and without cost for the purposes of auditing the course. Board
23.12 approval of a CE course and board authorization of a provider is subject to revocation if
23.13 a provider is not in compliance with this part or Minnesota Statutes, section 155A.271,
23.14 or if the board determines a CE class offered by the provider does not reflect current
23.15 professional standards or practices, or if the board finds just cause. The disciplinary
23.16 provisions of Minnesota Statutes, section 155A.33, apply. This subpart does not apply to
23.17 CE courses offered by MnSCU, the University of Minnesota, or any postsecondary school
23.18 licensed by the Office of Higher Education and not licensed by the board.

23.19 **2105.0187 SKILLS COURSES.**

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

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

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

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

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

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

24.8 C. Cosmetologists must attend a cosmetologist skills course taught by a
24.9 cosmetology instructor. Estheticians must attend an esthetician skills course taught by an
24.10 esthetician or cosmetologist instructor. Nail technicians must attend a skills course taught
24.11 by a cosmetologist or nail technician instructor.

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

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

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

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

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

24.24 E. Course approval for the skills course ~~must be renewed. Skills course~~
24.25 ~~approval for board-licensed cosmetology schools is valid for the remainder of the current~~

25.1 ~~license cycle. Skills course approval for all other providers~~ is valid for a maximum of one
25.2 calendar year and expires on December 31 of the year approval was granted.

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

25.6 G. The board is authorized to audit a skills course and skills test at any time,
25.7 and board staff or a representative may take a skills class at any time at no cost for the
25.8 purposes of auditing the course. Board approval of a skills course is subject to revocation
25.9 if the board determines a skills course or skills test does not reflect current professional
25.10 standards or practices, or if the board finds just cause. The disciplinary provisions of
25.11 Minnesota Statutes, section 155A.33, apply.

25.12 **2105.0190 MAINTAINING INDIVIDUAL LICENSES.**

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

25.17 Subp. 2. **Change of name.** Within 30 days of any legal name change, licensees must
25.18 provide legal documentation of the name change and pay any fee required by Minnesota
25.19 Statutes, section 155A.25. The license in the former name is invalid on the 31st day of
25.20 the new legal name.

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

25.25 Subp. 3. **Renewal.** The licensee must renew the license as required by part 2105.0200.

26.1 Subp. 4. **Display of license.** The practitioner must conspicuously post a current
26.2 license at each salon where the practitioner practices. The conditions in items A to D
26.3 must be met at all times.

26.4 A. Either the license or the full name of the licensee as shown on the license
26.5 must be posted at each workstation in the salon used by the licensee. Name tags worn
26.6 by the licensee or business cards prominently displayed at a workstation meet this
26.7 requirement if the full name shown on the license is used.

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

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

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

26.17 Subp. 5. [See repealer.]

26.18 **2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.**

26.19 Subpart 1. **Application for renewal of license.** All licenses expire on the last day of
26.20 the individual's birth month of the year due and each licensee is responsible for applying
26.21 to renew the license without notice from the board. If more than one year has passed since
26.22 the expiration date of the license, the license is not eligible for renewal under this section,
26.23 and the requirements of part 2105.0215 apply.

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

27.1 B. The applicant must pay late fees required by Minnesota Statutes, section
27.2 155A.25, if a license renewal application or a resubmitted application is received after
27.3 the expiration date of the license.

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

27.9 Subp. 2. **Continuing education (CE) requirements for practitioners.** The licensee
27.10 must complete the following CE requirements before applying to renew a license:

27.11 A. A cosmetologist, nail technician, esthetician, or salon manager renewing
27.12 a license before August 1, 2017, must complete a total of four hours of core CE credits
27.13 consisting of one hour of state cosmetology laws and rules, and three hours of health,
27.14 safety, and infection control matters from board-approved providers within the three years
27.15 prior to the date of the license renewal. Licensees must maintain proof of completion
27.16 of the CE credits as required in subpart 5.

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

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

27.25 (2) four hours of professional practice CEs, consisting of one or more of
27.26 the following topics within the licensee's scope of practice:

- 28.1 (a) product chemistry and ~~chemistry~~ chemical interaction;
- 28.2 (b) proper use of machines and instruments;
- 28.3 (c) business management, professional ethics, and human relations;
- 28.4 ~~and~~ or
- 28.5 (d) techniques relevant to the type of license held by the practitioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

30.4 Subp. 3. **Fee.** The licensee must pay the fees as required by Minnesota Statutes,
30.5 section 155A.25.

30.6 Subp. 4. [See repealer.]

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

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

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

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

30.23 **2105.0205 RETIRED LICENSE.**

30.24 A licensee with a current or expired Minnesota practitioner license who has ceased all
30.25 practice of cosmetology may apply for a retired license that does not allow any practice of

31.1 cosmetology as defined in Minnesota Statutes, section 155A.23, subdivision 3. The board
31.2 must void any current license when a retired license is issued for the remainder of the
31.3 license cycle. If the practitioner's license is expired, the applicant must pay the renewal
31.4 and late fees required by Minnesota Statutes, section 155A.25.

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

31.7 B. A person with a retired license who wishes to obtain a current practitioner
31.8 license must apply to renew the original expired practitioner license under the terms of
31.9 this chapter as if no retired license was issued. If the retired license is current and has not
31.10 expired, no new renewal fee is required.

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

31.13 **2105.0215 PROCEDURE FOR RENEWING AN EXPIRED LICENSE.**

31.14 Subpart 1. **Practitioner licenses expired less than three years.** If an operator's,
31.15 salon manager's, instructor's, or school manager's license has been expired less than ~~one~~
31.16 year three years, a license must be issued for the remainder of the license cycle. To renew
31.17 the license, the individual must:

31.18 A. comply with the requirements of part 2105.0200 for the appropriate license;
31.19 and

31.20 B. pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

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

32.1 ~~A. proof of completion of the CE requirement as described in part 2105.0200,~~
32.2 ~~subpart 2;~~

32.3 ~~B. A.~~ original passing test results no more than one year old of the laws and
32.4 rules test for an operator. Managers must submit original passing test results no more than
32.5 one year old of the manager laws and rules test;

32.6 ~~C. B.~~ original passing test results no more than one year old of a board-approved
32.7 written practical exam; and

32.8 ~~D. C.~~ payment of the initial license fees required by Minnesota Statutes, section
32.9 155A.25.

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

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

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

32.17 C. pays the instructor application fees required by Minnesota Statutes, section
32.18 155A.25.

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

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

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

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

33.3 ~~D.~~ C. pays the initial license fees required by Minnesota Statutes, section
33.4 155A.25.

33.5 **2105.0220 REINSTATEMENT AFTER REVOCATION OR SUSPENSION.**

33.6 A. A licensee whose license was suspended or revoked by the board under
33.7 Minnesota Statutes, chapter 155A, must reapply for licensure as follows:

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

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

33.13 (3) paying the fees required of a new applicant in Minnesota Statutes,
33.14 section 155A.25;

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

33.22 **2105.0230 TRANSFER OF LICENSE PROHIBITED.**

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

34.1 **2105.0305 DESIGNATED LICENSED SALON MANAGER.**

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

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

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

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

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

34.17 F. A DLSM must not concurrently serve as a designated school manager
34.18 unless serving as a DLSM in a one-person salon that is never open during school class
34.19 and school clinic hours.

34.20 **2105.0310 SALON LICENSURE APPLICATION.**

34.21 Subpart 1. **All salon licenses.** The requirements of parts 2105.0310, 2105.0360,
34.22 2105.0370, and 2105.0410 must be met by all applicants proposing to establish a salon. A
34.23 salon license is required for each physical location. A licensed salon business may not
34.24 share any physical space with another licensed salon business except for restrooms, and
34.25 may not be located inside the perimeter of another licensed salon.

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

35.6 Subp. 2. **Application.** An applicant for a cosmetology, esthetician, or nail salon must
35.7 apply on forms supplied by the board, giving the following information:

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

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

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

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

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

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

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

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

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

36.6 J. a legible floor plan of the salon, drawn to scale, providing the dimensions
36.7 of the salon as a whole and designating the size and location of all entrances and exits,
36.8 and indicating the location and dimensions of all required areas, facilities, and equipment
36.9 required in part 2105.0360; and

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

36.12 **2105.0322 MAINTAINING SALON LICENSE.**

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

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

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

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

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

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

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

37.12 A. submit a salon name change form to the board;

37.13 B. provide legal documentation of the name change and any other documents
37.14 the business is required to file with the secretary of state under state law because of the
37.15 name change;

37.16 C. provide a certificate of insurance showing the salon's new name for
37.17 professional liability insurance;

37.18 D. provide a certificate of insurance in the new salon name for workers'
37.19 compensation insurance if applicable; and

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

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

38.1 Subp. 9. **Change of business structure.** A salon license must not be transferred
38.2 when the business structure of the owner is changed. The salon must apply for a new
38.3 salon license and has 60 days after the change of business structure to become licensed
38.4 according to part 2105.0310. If a new license has not been issued by day 61, the salon
38.5 must cease operations until a license is issued.

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

38.9 **2105.0330 SALON LICENSE RENEWAL.**

38.10 Subpart 1. **Requirements.** The requirements of subparts 3 to 6 must be met by a
38.11 salon licensee in order to renew a license.

38.12 Subp. 2. **Salon license expiration.** All licenses expire on the last day of the month
38.13 of initial licensure of the year due and the salon owner and designated licensed salon
38.14 manager (DLSM) are responsible for renewing the salon's license. Not receiving a notice
38.15 of renewal from the board does not constitute a valid excuse for not renewing the license.

38.16 Subp. 3. **Fee.** The salon must pay the fees required in Minnesota Statutes, section
38.17 155A.25.

38.18 Subp. 4. **Identity of owner.** The salon must provide the name, current address, and
38.19 telephone number of the salon owner on the renewal application.

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

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

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

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

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

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

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

39.17 **2105.0360 SALON PHYSICAL REQUIREMENTS.**

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

40.1 Subp. 1a. **Space.** The salon must meet applicable building codes, fire codes, and
40.2 zoning codes as determined by local zoning and building officials and the state fire marshal.

40.3 Subp. 2. [See repealer.]

40.4 Subp. 3. **Walls and ceilings.** All walls, ceilings, ceiling fans, light fixtures, vents,
40.5 and other fixtures must be kept free from dust and dirt and in good repair at all times.

40.6 Subp. 4. **Floors.** All floors must be kept clean and free from hair, nails, skin, wax,
40.7 liquids, and other debris at all times and be in good repair, free from crevices, cracks,
40.8 holes, or tears which could collect dirt or debris.

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

40.11 Subp. 5. **Electricity.** The salon's electrical infrastructure must comply with safety
40.12 standards under Minnesota Statutes, section 326B.35. The salon's ~~electrical~~ use of
40.13 electrical equipment and appliances must comply with the State Fire Code adopted
40.14 according to Minnesota Statutes, chapter 299F.

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

40.17 B. Power strips must have a circuit breaker and be plugged into an outlet and
40.18 not into another power strip.

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

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

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

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

41.9 **Subp. 6. Sinks in work areas.**

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

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

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

41.17 **Subp. 6a. Restrooms.**

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

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

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

42.1 D. Restrooms must be maintained in a clean condition.

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

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

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

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

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

42.13 **2105.0370 SALON OPERATIONAL REQUIREMENTS.**

42.14 A salon must continuously meet the following minimum operational requirements.

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

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

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

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

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

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

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

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

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

43.16 **2105.0375 INFECTION CONTROL REQUIREMENTS.**

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

43.21 Subp. 2. **Hand washing.** All licensees must thoroughly wash their hands with soap
43.22 and water and dry them with a single-service paper or cloth towel or air dryer before
43.23 providing any service to a client. An alcohol-based hand rub with a minimum of 60
43.24 percent alcohol may be used in lieu of hand washing only when the hands are free of

44.1 lotions, ointments, product, or visible soil. Gloves and hand wipes are not an acceptable
44.2 substitute for hand washing.

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

44.10 Subp. 4. **Disinfecting.**

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

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

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

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

44.24 E. All surfaces of a tool or implement, including handles, must be disinfected
44.25 by fully submerging the item in disinfectant in a covered container for the full contact

45.1 time listed in the manufacturer's directions. Following disinfection, items must be rinsed
45.2 to prevent exposure of clients and licensees to unsafe pesticides and chemicals. Items
45.3 must be dried before being stored.

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

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

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

45.15 A. The licensee must put on gloves.

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

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

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

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

45.23 F. Before resuming service, the licensee must first remove from service any
45.24 equipment, tools, and implements that came into contact with blood or other body fluids,

46.1 clean and disinfect any contaminated surfaces, and then clean and wash hands with soap
46.2 and water.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

47.16 E. Each pencil cosmetic must be sharpened before each use with a disinfected
47.17 pencil sharpener. When a pencil-type cosmetic is in a mechanical applicator or is of a
47.18 diameter too small to be sharpened, the exposed tip of the product must be removed with
47.19 a disinfected scissors or knife, and the tip of the applicator wiped with alcohol before
47.20 use on another client.

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

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

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

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

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

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

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

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

48.20 N. Wig blocks must have a nonabsorbent covering. Each nonabsorbent covering
48.21 must be removed after each servicing of a wig, cleaned and disinfected, and must be
48.22 stored in a properly labeled covered container. Wigs accepted for service must be stored in
48.23 individual clean and disinfected containers, or in a new disposable container such as a
48.24 plastic bag. New plastic wrap or other suitable clean and disinfected covering material

49.1 must be placed over a customer's hair while trying on wigs for purchase, and the wig must
49.2 not be allowed to come into contact with the skin, hair, or wigs of the customer.

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

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

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

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

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

49.25 B. Metal guards, clipper blades, drill bits, and other removable parts must be
49.26 removed. All product residue, hair, skin debris, nail dust, and other visible debris must be

50.1 brushed or wiped off, and the removable part must be disinfected with an EPA-registered,
50.2 hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet
50.3 with the spray or wipe disinfectant for the contact time listed on the disinfectant label and
50.4 the manufacturer's directions must be followed.

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

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

50.15 E. Disinfected electrical and electronic tools must be stored ~~on a clean~~ when not
50.16 in use. Acceptable storage includes a clean and disinfected:

50.17 (1) surface, ~~on stands or hooks;~~

50.18 (2) stand or hook; or ~~in a clean,~~

50.19 (3) closed container, cupboard, or drawer ~~when not in use.~~

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

50.22 A. Immediately after each service:

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

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

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

51.6 (4) removable parts must be replaced;

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

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

51.13 B. Pedicure tub liners are single-use items under subpart 13 and must be disposed
51.14 of immediately after use. When disposable tub liners are used, item A does not apply.
51.15 When tub liners are used, the pedicure tubs must remain in clean and disinfected condition.

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

51.19 Subp. 13. **Single-use items.** Foam toe separators, foam buffer blocks, pedicure
51.20 tub liners, pumice bars or stones; chamois, paper, or foam flip-flops or slippers; nail
51.21 files unless governed by item B; sanding bands or sleeves; paper sandpaper drill bits;
51.22 wooden applicators; cotton balls, cotton pads, or swabs; gauze pads; sponges; neck strips;
51.23 wax strips; and other items made with paper, wood, foam, or other porous materials, are
51.24 single-use items, may be used one time only, and must be immediately disposed of in a
51.25 trash can after each service. Lancets and extraction needles are single-use items and

52.1 must be disposed of in a sharps container. Brushes are not single-use items when the
52.2 provisions of subpart 10 are met. Linens are not single-use items when the provisions of
52.3 subpart 8 are met.

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

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

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

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

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

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

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

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

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

53.3 Subp. 15. **Salon fixtures.**

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

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

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

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

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

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

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

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

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

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

54.7 **2105.0377 SALON PROHIBITIONS.**

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

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

54.13 C. Roll-on wax is prohibited. Single-use roll-on wax cartridges are acceptable
54.14 but must be disposed of immediately after service. Roll-on wax cartridges warming in a
54.15 wax heater must have an intact seal. The heating unit is subject to the requirements of part
54.16 2105.0375 and must be cleaned and disinfected after each use.

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

54.20 E. Autoclaves and autoclave packaging of tools are prohibited unless regular
54.21 spore tests are performed by a contracted laboratory at least once per month but not more
54.22 than 30 days between tests. If a positive spore test is received, the autoclave must not be
54.23 used until a negative spore result is received. The salon must maintain a log of each
54.24 use, all testing samples and results, and a maintenance log of all maintenance performed

55.1 according to the manufacturer's directions. The salon must retain the most recent 12
55.2 months of the log at the salon for review by the board.

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

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

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

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

55.13 **2105.0390 SALON SUPERVISION.**

55.14 A. The owner and the designated licensed salon manager (DLSM) registered
55.15 with the board are responsible for the salon at all times, even when not present at the salon.
55.16 The owner and the DLSM must ensure that:

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

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

55.22 B. The salon must designate and register only one person as the DLSM for each
55.23 salon. This does not preclude a salon from having a business manager or other managers
55.24 who are not licensed as operators or managers. Salons holding both a nail salon and an
55.25 esthetician salon license may have a designated licensed salon manager for each license,

56.1 or a cosmetologist salon manager may serve as the designated licensed salon manager for
56.2 both licenses.

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

56.6 D. Any salon that leases space to one or more licensed practitioners must
56.7 ~~maintain a mechanical or electronic time clock for their use, and~~ provide lessees with a
56.8 method to track hours worked. Acceptable methods are paper, mechanical, or electronic.
56.9 All methods must record time on a contemporaneous basis. The salon must retain the
56.10 work time records for a period of four years for each lessee. Work time records must be
56.11 provided upon written request to the licensee or to the board. The salon has no obligation
56.12 to ensure the use of the method to track work hours by a lessee.

56.13 **2105.0393 SALONS LOCATED IN PRIVATE RESIDENCES.**

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

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

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

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

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

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

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

57.1 **2105.0397 SUITE-STYLE SALONS.**

57.2 Subpart 1. **Suite-style salons.** Suite-style salons must have one salon license under
57.3 which every suite located on the premises operates, or each suite must carry its own
57.4 salon license as an individual salon. A suite-style salon where each suite carries its own
57.5 salon license must meet the salon licensing requirements of this chapter. When the salon
57.6 license is held by the business leasing the suites, the requirements of subparts 2 to 7
57.7 apply and must be met.

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

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

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

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

57.24 Subp. 6. **Safety data sheets in suite-style salon.** The requirements of part
57.25 2105.0370, item B, must be met. The paper or electronic safety data sheets for each product
57.26 used in each suite must be located in the suite itself or in a central accessible location.

58.1 Subp. 7. **Suite signage and advertising.** A practitioner who does not hold a salon
58.2 license, and is renting salon space in a licensed salon ~~or is leasing a suite at a suite-style~~
58.3 ~~salon~~ must comply with the requirements of part 2105.0110. ~~The practitioner must include~~
58.4 ~~the words "at (name of salon as it appears on the salon license)" on any advertising,~~
58.5 ~~including any suite signs at a suite-style salon.~~ This does not apply to a suite directory ~~at a~~
58.6 or suite entryway signage identifying the tenant in a licensed suite-style salon business.

58.7 **2105.0410 LICENSED SERVICES NOT OFFERED IN A LICENSED SALON.**

58.8 Subpart 1. **Nursing homes licensed under Minnesota Statutes, chapter 144A.**
58.9 This part does not provide any exemption for assisted living residences, senior apartments,
58.10 or any part of a senior citizen housing facility that is not licensed as a nursing home
58.11 under Minnesota Statutes, chapter 144A.

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

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

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

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

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

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

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

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

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

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

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

59.8 and

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

59.10 C. Permits have the following restrictions:

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

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

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

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

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

59.23 (6) At each special event, the permit holder must provide a sufficient
59.24 number of brushes, combs, makeup brushes, and other implements equal to the number

60.1 of persons receiving cosmetology services at the event, so that only disinfected tools
60.2 and implements are used on each client.

60.3 D. The hours spent working under a special event permit do not count toward
60.4 the work hours in a licensed salon required to obtain other licenses under this chapter.

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

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

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

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

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

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

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

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

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

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

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

61.7 **2105.0510 INTOXICANTS AND CONTROLLED SUBSTANCES.**

61.8 Licensees must not perform cosmetology services while consuming or under the
61.9 influence of an intoxicant or controlled substance.

61.10 **2105.0520 LICENSE CYCLE.**

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

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

61.18 **2105.0650 PENALTIES.**

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

61.21 **2110.0010 DEFINITIONS.**

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

61.23 Subp. 2. **Accommodate or to be accommodated.** "Accommodate" or "to be
61.24 accommodated" means the maximum number of students present on the school premises

62.1 at any one time and for which the school has the required physical and program resources.

62.2 In most cases this will be the maximum number of students.

62.3 Subp. 3. [See repealer.]

62.4 Subp. 4. **Advertising.** "Advertising" means any written or graphic representation
62.5 designed to elicit enrollment or the sale of goods or services and includes signs, displays,
62.6 circulars, business cards, brochures, and recruitment materials; in print, on air, or online.

62.7 Subp. 5. [See repealer.]

62.8 Subp. 6. [See repealer.]

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

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

62.12 Subp. 9. **Clinic.** "Clinic" means the portion of a cosmetology school where
62.13 cosmetology services performed by students are offered to the public for compensation.

62.14 Subp. 10. [See repealer.]

62.15 Subp. 11. [See repealer.]

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

62.18 Subp. 13. [See repealer.]

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

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

63.1 Subp. 14. **Dispensary.** "Dispensary" means a physical location or area in a salon
63.2 or school where products, chemicals, and disinfectants are prepared, measured, mixed,
63.3 portioned, or disposed of, and where tools and implements are cleaned and disinfected.

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

63.5 Subp. 17d. **Hazardous.** "Hazardous" means a hazardous substance or harmful
63.6 physical agent as defined under part 5206.1500, subpart 6, or any substance defined as
63.7 hazardous in Code of Federal Regulations, title 29, part 1910.1200.

63.8 Subp. 17e. **Homebound.** "Homebound" means an individual lacks the physical or
63.9 intellectual capacity for independent transportation, and is unable to travel independently
63.10 to a licensed salon.

63.11 Subp. 18. **Licensed services.** "Licensed services" means those services defined as
63.12 the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3,
63.13 and includes services provided by cosmetologists, estheticians, and nail technicians. The
63.14 definition of "cosmetology" in Minnesota Statutes, section 155A.23, subdivision 3, must
63.15 be construed to not prohibit or regulate hair braiding, hair braiding services, and hair
63.16 braiders, as defined in subparts 17a to 17c.

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

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

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

63.23 Subp. 19. [See repealer.]

63.24 Subp. 20. **Unregulated service.** "Unregulated service" means those services not
63.25 defined as the practice of cosmetology under Minnesota Statutes, section 155A.23,

64.1 subdivision 3, and which are exempt from regulation by the board. Unregulated services
64.2 are ear piercing, body art, body painting, henna tattoos and permanent tattoos, eyebrow
64.3 embroidery, eyebrow microblading, permanent hair removal, and permanent makeup;
64.4 tanning by UV radiation and spray tanning units; ~~botox and other~~ injectables; services
64.5 for theatrical, television, film, fashion, photography, or media productions; ~~or~~ media
64.6 appearances; mortuary services; massage; body wraps when performed by a massage
64.7 therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts
64.8 17a to 17c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision
64.9 13. Ordinances by local units of government that prohibit hair braiding, hair braiding
64.10 services, or hair braiders, as defined in subparts 17a to 17c, or regulate any matter relating
64.11 to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are
64.12 preempted by this part.

64.13 **2110.0110 ADVERTISING.**

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

64.16 A. All advertising and business signage must state the school name as shown on
64.17 the school license.

64.18 B. Advertisements must not state or imply favorable consideration by the Board
64.19 of Cosmetologist Examiners other than to state that the school is licensed by the board.

64.20 C. A school advertisement of cosmetology services must clearly and
64.21 conspicuously state that all services are performed by students.

64.22 D. Each school must maintain copies of all advertisements for clinic services
64.23 for three years, available to the board at its request.

64.24 **2110.0125 INSPECTIONS.**

64.25 Subpart 1. **Protocol.**

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

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

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

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

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

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

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

65.23 Subp. 3. **Posting inspection results.** The board must provide each school with the
65.24 inspection results and a detailed inspection report on the inspection findings. Within
65.25 ten business days of the issuance date on the results and report, the school and DSM

66.1 must conspicuously post the inspection results in the entryway to the school clinic or at
66.2 the reception desk and place the detailed inspection report in the reception area. The
66.3 inspection results and inspection report must be visibly available in the reception area of
66.4 the school for the public's review. The inspection results must remain posted and the
66.5 inspection results must remain available in the reception area until replaced by new
66.6 inspection results and a new detailed inspection report.

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

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

66.10 (1) application of penalties prescribed in Minnesota Statutes, section
66.11 155A.25; and

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

66.13 B. Board staff must issue penalties prescribed in Minnesota Statutes, section
66.14 155A.25, for violations in subitems (1) to (3) cited during a board inspection of a school
66.15 except as provided for in subpart 5. Licensees must pay penalties in full before any license
66.16 is renewed or issued.

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

66.19 (a) each expired instructor license;

66.20 (b) an expired DSM license;

66.21 (c) an expired school license;

66.22 (d) each current license of an instructor, designated school manager, or
66.23 school not conspicuously displayed;

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

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

67.5 (g) refusal or failure to cooperate with an inspection.

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

67.8 (a) each instructor with an expired license;

67.9 (b) an expired DSM license

67.10 (c) an expired school license;

67.11 (d) each current license of an instructor, designated school manager, or
67.12 school not conspicuously displayed;

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

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

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

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

67.20 (a) an expired instructor's license;

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

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

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

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

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

68.5 ~~A. The board must consider the factors identified in Minnesota Statutes, section~~
68.6 ~~14.045, subdivision 3, when applying penalties for cited violations.~~

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

68.9 ~~A. (1) \$3,000 for the school license;~~

68.10 ~~B. (2) \$2,000 for the designated school manager; and~~

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

68.12 **2110.0190 REINSTATEMENT AFTER SUSPENSION OR REVOCATION.**

68.13 A school with a license that was suspended or revoked by the board under Minnesota
68.14 Statutes, chapter 155A, must apply for relicensure as follows:

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

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

68.20 C. pay the fees required of a new applicant in Minnesota Statutes, section
68.21 155A.25.

68.22 **2110.0200 TRANSFER OF LICENSE PROHIBITED.**

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

69.1 **2110.0310 SCHOOL LICENSURE.**

69.2 Subpart 1. **Application contents.** An applicant for a cosmetology school must apply
69.3 on forms supplied by the board, giving the following information:

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

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

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

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

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

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

69.16 G. current Certificate of Insurance of professional liability insurance of at least
69.17 \$150,000 for each policy year for the school, its employees, and students;

69.18 H. current Certificate of Workers' Compensation Insurance;

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

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

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

70.1 L. the name, license number, and notarized signature of the DSM accepting
70.2 the responsibilities of the DSM;

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

70.6 N. a diagram of the school drawn to scale, providing the dimensions of the
70.7 school as a whole and designating the size and location of all entrances and exits, and the
70.8 location and dimensions of all required areas and facilities;

70.9 O. a complete inventory of facilities and equipment supportive of instructional
70.10 and clinical operations, as required by this chapter;

70.11 P. a proposed schedule of all courses to be offered in the first year, including
70.12 start dates and completion dates for each course. If concurrent courses are to be offered,
70.13 the school must demonstrate it has available classroom and clinical space as well as
70.14 instructors for each course;

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

70.17 R. for each course offered:

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

70.19 (2) a detailed outline of the course, including a daily lesson plan,
70.20 designating the preclinical and clinical curriculum, and including:

70.21 (a) topics of the units of instruction;

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

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

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

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

71.7 (3) textbook and supportive materials; and

71.8 (4) classroom and clinical space to be used;

71.9 S. copies of all financial aid and refund policies;

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

71.11 U. a copy of the standard enrollment contract;

71.12 V. copies of all written material used to solicit prospective students, including
71.13 but not limited to tuition, refund, and fee schedules, catalogs, brochures, and all
71.14 recruitment advertisements; and

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

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

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

71.22 **2110.0320 MAINTAINING A SCHOOL LICENSE.**

71.23 Subpart 1. **Scope.** The requirements of this part apply to all cosmetology schools.

71.24 Subp. 2. [See repealer.]

72.1 Subp. 3. [See repealer.]

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

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

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

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

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

72.24 A. appoint a licensed instructor or licensed school manager as acting DSM; and

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

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

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

73.10 A. A school planning to discontinue any course offering must notify the board
73.11 via e-mail.

73.12 B. A school planning to add a new course offering or a change to the curriculum
73.13 for a currently approved course must apply for and receive board approval prior to offering
73.14 the new or changed course. Application must include:

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

73.16 (2) a detailed outline of the course or lesson plan, including:

73.17 (a) topics of the units of instruction;

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

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

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

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

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

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

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

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

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

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

74.18 Subp. 15. **Insurance.** A school must maintain current professional liability insurance
74.19 of at least \$150,000 for each policy year, must maintain a current Certificate of Workers'
74.20 Compensation Insurance, and must maintain a corporate surety bond of \$10,000 running
74.21 to the state.

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

75.1 **2110.0330 SCHOOL LICENSE RENEWAL.**

75.2 Subpart 1. **Requirements.** The requirements of subparts 3 to 6 must be met in order
75.3 to renew a school license.

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

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

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

75.12 Subp. 3. **School continuation of insurance and surety bond.** The school licensee
75.13 must provide evidence of continued professional liability insurance coverage of at least
75.14 \$150,000 as required by part 2110.0310, subpart 1, item G, and evidence of continued
75.15 workers' compensation insurance in compliance with Minnesota Statutes, section 176.182,
75.16 by providing Certificates of Insurance for both policies, and a current corporate surety
75.17 bond as specified under part 2110.0310, item I.

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

75.21 Subp. 5. **Course offerings.** The school licensee must provide a list of courses
75.22 offered and an anticipated course schedule for the next 12 months with the current and
75.23 projected enrollment listed for each course scheduled. The school licensee must submit a
75.24 copy of the board's approval letter for the curriculum with a statement attesting that the
75.25 curriculum has not changed since the approval date, or submit the items required for new

76.1 or changed curriculums in part 2110.0320, subpart 10, item B. If concurrent courses are
76.2 to be offered, the school must demonstrate it has available instructors and classroom
76.3 and clinical space for each course.

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

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

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

76.9 B. If a renewed school license has not been issued by the expiration date, the
76.10 school is considered delinquent. The school licensee and DSM are subject to inspection
76.11 fines detailed in part 2110.0125, and penalties as described in Minnesota Statutes, section
76.12 155A.22.

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

76.16 D. The board must not accept or recognize student hours earned on or after the
76.17 31st day of the school's license expiration.

76.18 **2110.0380 FACILITIES REQUIREMENTS FOR LICENSURE.**

76.19 In addition to the requirements of part 2110.0310, the requirements contained in
76.20 parts 2110.0390 to 2110.0600 must be met by the school before a license will be issued.
76.21 Compliance with these requirements must be confirmed by an inspection by the board.
76.22 The license must be issued after a satisfactory initial inspection.

76.23 **2110.0390 PHYSICAL REQUIREMENTS.**

76.24 Subpart 1. **Space.**

77.1 A. The school must have a combined clinic and classroom size of at least 25
77.2 square feet for each student to be accommodated. Office space, storage areas, break
77.3 rooms, and restrooms are not clinic or classroom space.

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

77.6 C. The school must have a furnished student break room of at least 120
77.7 contiguous square feet.

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

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

77.12 Subp. 2. **Walls and ceilings.** All walls, ceilings, ceiling fans, light fixtures, vents, and
77.13 other fixtures must be kept clean and free from dust and dirt, and in good repair at all times.

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

77.19 Subp. 3. **Electrical requirements.** The school's electrical ~~use~~ infrastructure must
77.20 comply with safety standards under Minnesota Statutes, section 326B.35. The school's
77.21 use of electrical equipment and appliances must comply with the State Fire Code adopted
77.22 according to Minnesota Statutes, chapter 299F.

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

78.1 B. Power strips must have a circuit breaker and be plugged into an outlet and
78.2 not into another power strip.

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

78.5 D. Each classroom must be clearly lit and shall have at least two electrical outlets.
78.6 Use of extension cords shall not be an acceptable means of meeting this requirement.

78.7 Subp. 3a. **Dispensary.** Each school must have a dispensary area used to mix
78.8 chemicals, mix disinfecting solutions, disinfect tools and implements, and to store
78.9 hazardous supplies. The dispensary must have a clean waste receptacle emptied daily.

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

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

78.17 Subp. 4. **Restrooms.**

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

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

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

78.24 Subp. 5. **Ventilation.** School ventilation must comply with applicable building
78.25 codes, local ordinances, the State Fire Code, and state and federal OSHA requirements. If

79.1 a school does not have an exhaust system, the heating, ventilation, and air conditioning
79.2 (HVAC) thermostat fan switch must always be on during school hours.

79.3 **Subp. 6. Safety items.**

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

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

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

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

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

79.22 **2110.0400 FIXTURES, FURNITURE, EQUIPMENT.**

79.23 A school must meet the following requirements:

79.24 A. one work station with chair, storage, and mirror for each student assigned
79.25 to the clinic floor;

80.1 B. at least one standard or hand-held blow hair dryer, clean, in good repair,
80.2 and operational, for each six work stations;

80.3 C. at least one facial chair, clean and in good repair, for each ten students. This
80.4 may be a work station chair with a reclining back and attachable headrest;

80.5 D. at least one manicure table, clean and in good repair, for each ten students;

80.6 E. at least one skin care machine or models or diagrams sufficiently detailed to
80.7 allow instruction in their use and operation;

80.8 F. a time clock or other reliable method of recording time to be used by the
80.9 students when checking in and out of school and in and out of lunch;

80.10 G. at least one shampoo bowl for each six hair stations. All shampoos must be
80.11 given in a shampoo bowl that has plumbing that includes hot and cold water;

80.12 H. locker space available for students requesting it; and

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

80.15 **2110.0410 SUPPLIES AND MATERIALS.**

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

80.17 A. a beginning professional kit for each student, containing the implements and
80.18 the majority of equipment required for the course of training for which the student has
80.19 enrolled. The cost shall be clearly indicated to the student prior to enrollment, even if it is
80.20 included in the basic tuition fee;

80.21 B. all supplies and materials necessary to perform all clinical services and
80.22 classroom exercises, at no additional cost to the student; and

80.23 C. at least one mannequin with hair for each cosmetology student, and one
80.24 mannequin without hair for each esthetician student.

81.1 Subp. 2. **Towels and linens.** A minimum of one dozen clean towels per student on
81.2 the clinic floor must be maintained in good repair and available to students.

81.3 Subp. 3. **Instructional materials.** A copy of all textbooks to be used in the course; a
81.4 copy of this chapter and chapter 2105; a copy of Minnesota Statutes, chapter 155A; and
81.5 copies of all other necessary instructional materials must be provided to each student. The
81.6 laws and rules, workbooks, and textbooks become the property of the student. The cost
81.7 of these materials shall be clearly indicated to the student in the enrollment contract,
81.8 unless the cost is included in the tuition fee.

81.9 Subp. 4. [See repealer.]

81.10 Subp. 5. **Reference materials.** Reference materials must be centrally located and
81.11 available to all students, including:

81.12 A. an American language dictionary;

81.13 B. charts for basic anatomy of hair, skin, and nails;

81.14 C. trade magazines and publications;

81.15 D. a current copy of this chapter, chapter 2105, and Minnesota Statutes, chapter
81.16 155A, pertaining to the regulation of the practice of cosmetology; and

81.17 E. copies of other related statutes and rules.

81.18 **2110.0430 INTOXICANTS AND CONTROLLED SUBSTANCES.**

81.19 Students and licensees are prohibited from school premises while consuming or under
81.20 the influence of an intoxicant or controlled substance.

81.21 **2110.0500 CURRICULUM APPROVAL AND CONTENT.**

81.22 Subpart 1. **Curriculum approval.** Cosmetology schools must have a board-approved
81.23 curriculum divided into daily lesson plans. The curriculum must include theory and

82.1 practical application of skills, including the instruction set forth in parts 2110.0510
82.2 to 2110.0530.

82.3 Subp. 2. **Field trips and extracurricular activities.** Schools may offer field trips
82.4 and extracurricular activities related to the course curriculum for industry educational
82.5 purposes when students are accompanied by instructors, for a maximum of one percent of
82.6 the total training hours required for cosmetologists, estheticians, or nail technicians.

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

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

82.14 **2110.0510 COSMETOLOGIST TRAINING.**

82.15 A. Cosmetologist training must consist of at least 1,550 hours of coursework
82.16 and include the full nail technician course content, the full esthetician course content,
82.17 and the balance in hair services.

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

82.22 C. The first 240 hours of the cosmetology course must consist of preclinical
82.23 instruction in the theory of sciences of anatomy, dermatology, trichology, manicuring,
82.24 and chemistry as related to cosmetology; electricity and light; infection control; safety
82.25 procedures related to the practice of cosmetology; and Minnesota Statutes and rules which

83.1 pertain to the regulation of the practice of cosmetology; student orientation; and elementary
 83.2 service skills. Elementary service skills must be limited to the observation of an instructor
 83.3 demonstration or student-to-student application of basic services related to cosmetology.

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

| 83.9 | | Column I | Column II |
|-------|--|----------|-------------------|
| 83.10 | | Hours | Service Exercises |
| 83.11 | (1) shampooing | 50 | 300 |
| 83.12 | (2) scalp and hair conditioning | 80 | 150 |
| 83.13 | (3) hair design shaping | 150 | 75 |
| 83.14 | (4) chemical hair control (including 6 | | |
| 83.15 | chemical relaxing exercises) | 200 | 60 |
| 83.16 | (5) hair coloring | 100 | 50 |
| 83.17 | (6) hair styling | 200 | 300 |
| 83.18 | (7) facials, makeup, and waxes (including 60 | | |
| 83.19 | facials, 40 makeup applications, 20 facial | | |
| 83.20 | waxes, and 20 body waxes with one-half | | |
| 83.21 | of all waxes being soft and one-half of all | | |
| 83.22 | waxes being hard) | 200 | 140 |
| 83.23 | (8) manicures (including 10 applications of | | |
| 83.24 | artificial nails, of which 3 are sculptured | | |
| 83.25 | on the nail) | 150 | 50 |
| 83.26 | skill hours | 1130 | |
| 83.27 | related theory and lecture | 420 | |
| 83.28 | total | 1550 | |

84.1 E. Documentation of the student's completion of the required quotas in each
84.2 category in item D must be sent to the board with the documentation of successful
84.3 completion of the entire course of training.

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

84.6 **2110.0520 ESTHETICIAN TRAINING.**

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

84.8 B. The first 120 hours must be preclinical instruction in the theory of sciences
84.9 of anatomy, dermatology, and chemistry as related to skin care; electricity and light;
84.10 infection control; safety procedures related to the practice of skin care; and Minnesota
84.11 Statutes and rules which pertain to the regulation of the practice of skin care; student
84.12 orientation; and elementary service skills. Elementary service skills must be limited to
84.13 the observation of an instructor demonstration, or student-to-student application of basic
84.14 services related to esthetics.

84.15 C. There must be instruction in applied science and skills in the procedures of
84.16 cosmetic care of the skin, applications of facials and makeup, and in waxing.

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

84.19 (1) Each student must complete at least 60 facials, 40 makeup applications,
84.20 and 20 face waxes and 20 body waxes with one-half of all waxes being hard waxes,
84.21 and one-half of all waxes being soft waxes.

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

85.1 E. There must be instruction in business practices and in the Minnesota laws
85.2 regulating those practices and labor relations.

85.3 **2110.0530 NAIL TECHNICIAN TRAINING.**

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

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

85.11 C. There must be instruction on applied science and skills in the cleaning,
85.12 conditioning, shaping, reinforcing, coloring, and enhancing of nails and in the application
85.13 and repair of artificial nails.

85.14 D. There must be planned clinical instruction and experience of 150 hours in
85.15 applied sciences and skills.

85.16 (1) Each student is required to complete at least 50 manicures, including at
85.17 least ten applications of artificial nails, of which three are sculptured applications on the
85.18 nail.

85.19 (2) The documentation of the student's completion of the required
85.20 manicures must be sent to the board with documentation of successful completion of the
85.21 course of training.

85.22 E. There must be instruction in business practices and in the Minnesota laws
85.23 regulating those practices and labor relations.

86.1 **2110.0545 SKILLS COURSES.**

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

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

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

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

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

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

86.18 E. A provider of a skills course must provide attendees who have successfully
86.19 completed the course with a skills course certificate showing successful completion of
86.20 the skills test, and must retain records of attendees for five years from the date of the
86.21 skill certificate.

86.22 **2110.0550 CREDIT ~~TOWARDS~~ TOWARD ANOTHER LICENSE.**

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

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

87.1 **2110.0600 RESPONSIBILITY.**

87.2 The owner and designated school manager (DSM) are responsible for the school at all
87.3 times, even when not present at the school. The owner and DSM must ensure that the
87.4 school, instructors, and students in the school are in compliance with all provisions of this
87.5 chapter, chapter 2105, and Minnesota Statutes, chapter 155A.

87.6 **2110.0610 SCHOOL IDENTIFICATION.**

87.7 Each school must be identified as a school of cosmetology or beauty school to
87.8 ensure that the public may distinguish it from a salon. Identification must consist of signs
87.9 conspicuously placed on the front of the school and in the reception area of the school
87.10 clinic. Each school must also have a sign conspicuously posted in its clinic reception
87.11 area stating, "Cosmetology School. All work performed by students." in letters at least
87.12 two and one-half inches in height.

87.13 **2110.0625 DESIGNATED SCHOOL MANAGER.**

87.14 A. The school owner must appoint a designated school manager (DSM) and
87.15 register with the board using forms supplied by the board. The DSM and the school owner
87.16 are responsible for ensuring that the school, instructors, and students attending courses are
87.17 in compliance with this chapter and Minnesota Statutes, chapter 155A.

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

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

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

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

88.4 **2110.0630 INSTRUCTORS.**

88.5 A. There must be at least two licensed instructors on the school premises
88.6 whenever students are present; and the school must maintain a minimum ratio of one
88.7 instructor for each 1 to 20 students present each day. All students must be under the
88.8 supervision of an instructor at all times when in a classroom or clinic and whenever the
88.9 student is performing cosmetology services on the school's premises.

88.10 (1) A school may use unlicensed instructors who hold a salon manager
88.11 license as substitutes for licensed instructors for no more than 30 full or partial calendar
88.12 days in 12 consecutive months. Whenever an unlicensed substitute instructor is present, at
88.13 least one licensed instructor must be on the school premises. When these conditions are
88.14 met, the substitute instructor is considered an instructor for the instructor quota.

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

88.20 (3) The DSM must e-mail the board by the end of the day each day the
88.21 school fails to meet the required instructor quota, with "instructor quota failure" and the
88.22 school name in the subject line. The e-mail must contain the names and license numbers
88.23 of the absent instructors, and the names and license numbers of the instructors present.

88.24 B. If a school is not in compliance with item A, the board must notify the school
88.25 that it will not accept hours accrued by students during the period of noncompliance. The
88.26 school must notify the students in writing of the board's decision and provide the board a

89.1 copy of the required notification to each student that the hours accumulated during the
89.2 period of noncompliance will not be accepted by the board.

89.3 C. Instructors must devote the entire instructional time scheduled to training
89.4 and must not have any additional noninstructional duties or responsibilities during class or
89.5 clinical time.

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

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

89.10 F. All instructors must wear identification badges at all times stating their name
89.11 and "Instructor." These badges must be at least two inches by one inch.

89.12 **2110.0640 ENROLLMENT CONTRACTS.**

89.13 The student or the student's parent or guardian must receive a fully executed copy of
89.14 the contract at the time the contract is signed.

89.15 A. The contract must state the starting date of schooling and anticipated
89.16 completion date.

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

89.18 The school and a student who has enrolled for additional training after failing the
89.19 required state licensing tests, and transfer applicants must enter into a contract which
89.20 specifies the precise nature of theory and clinical experience to be covered during the
89.21 training course.

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

90.1 **2110.0650 REFUND POLICY.**

90.2 Subpart 1. **Written policy.** Each school must have a definite, written policy on the
90.3 refund of tuition and fees when students terminate training. The policy must include
90.4 the following:

90.5 A. a complete refund of all money paid if the school rejects the applicant, or if
90.6 the applicant cancels the enrollment contract, in writing or in person, within three business
90.7 days of the date the contract was signed by both the student and agent of the school and
90.8 prior to entering classes. The enrollment contract must include a "Notice of Cancellation",
90.9 that explains how to cancel the contract;

90.10 B. a refund of all money paid except a registration or enrollment processing fee
90.11 up to 15 percent of the contract price if the applicant cancels the enrollment contract more
90.12 than three business days after conclusion of the contract but prior to entering classes;

90.13 C. if a student has started classes, the ~~following minimum tuition refunds must~~
90.14 ~~be made~~ school must not withhold more than the following maximum tuition withholding
90.15 limits:

| | Percentage of Total Program Represented by the Hours of Training Completed | Maximum Amount of Total Tuition School Must Receive or Retain |
|-------|---|--|
| 90.18 | 0 to 4.9 percent | 20 percent |
| 90.19 | 5 to 9.9 percent | 30 percent |
| 90.20 | 10 to 14.9 percent | 40 percent |
| 90.21 | 15 to 24.9 percent | 45 percent |
| 90.22 | 25 to 49.9 percent | 70 percent |
| 90.23 | Over 50 percent | 100 percent |

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

91.1 Subp. 2. **Refund deductions.** Fees for the student kit, textbooks, and workbook may
91.2 be deducted before application of the percentages in refund computations, if these fees
91.3 are included in the tuition and if these items become the property of the student. This
91.4 deduction must be clearly stated in the refund policy contained in the enrollment contract.

91.5 **2110.0660 STUDENT REGULATIONS.**

91.6 Student regulations must be in writing and a copy given to all students. A copy and
91.7 any changes must be readily available in the student lounge. All rule changes must be
91.8 discussed with the student body at least ten days prior to the effective date and each
91.9 student must be given a copy of any changes.

91.10 **2110.0670 STUDENT RECORDS.**

91.11 Student records must be maintained as follows:

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

91.16 B. The school must maintain complete, accurate, and detailed records of all
91.17 payments from and financial transactions with students, showing the date, amount, and
91.18 source of income or disbursement.

91.19 C. The school must maintain daily and monthly records of student hours, work
91.20 progress, examination assessments, and daily clinical experience records for each student
91.21 enrolled.

91.22 D. All student records must be maintained by the school, or a custodian if the
91.23 school ceases operation, for at least five years from the date of the student's termination or
91.24 completion of training. In addition, a transcript of the course work of each student must
91.25 be kept, which must contain the student's name, the date student enrolled, the date of
91.26 termination of enrollment and the circumstances of termination, the total number of hours

92.1 completed, and the school owner's or designated school manager's (DSM's) notarized
92.2 signature verifying the contents of the transcript. When requested by a student or former
92.3 student, copies of the student records must be provided at the cost of duplication, unless
92.4 the student has not met school requirements identified in the enrollment contract regarding
92.5 tuition payments and transcripts.

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

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

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

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

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

92.23 (5) documentation signed by the school owner or DSM must indicate that
92.24 the student has successfully completed the course of training, including documentation
92.25 of the student's completion of the practical exercises, as required by parts 2110.0510,
92.26 item D, 2110.0520, item D, subitem (1), and 2110.0530, item D, subitem (1), and

93.1 documentation of the student's successful completion of the skills certification review, on
93.2 a form acceptable to the board; and

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

93.13 **2110.0680 CERTIFICATION OF STUDENT HOURS.**

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

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

93.18 C. The daily record of hours must list the number of hours earned by each
93.19 student and the nature of training received, designating all clinical experiences; must be
93.20 signed or confirmed by the instructor who provided or supervised the training; and must
93.21 be signed or confirmed by the student.

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

94.1 E. Except as provided in part 2110.0500, students must receive credit only for
94.2 hours spent in training for licensed cosmetology services.

94.3 F. Students must not receive credit for more than ten hours of training per
94.4 calendar day.

94.5 G. Each student must be given a morning and afternoon break and at least
94.6 one-half hour for lunch, or one hour for lunch and no breaks.

94.7 **2110.0690 STUDENT DEADLINE TO BECOME LICENSED.**

94.8 A student must be licensed within five years from the date of successful completion
94.9 of the required training. A student who does not meet this requirement is required to
94.10 complete a skills course and meet all other requirements for licensure.

94.11 **2110.0705 TRANSFER STUDENTS.**

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

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

95.1 A. The method of evaluation must include a review of the student's records,
95.2 training, and work experience, and must include a skills test. ~~Foreign language documents~~
95.3 ~~must be translated by a board-approved translator at the applicant's expense~~ Any records
95.4 from another country, including records in English, must be evaluated by a board-approved
95.5 credentialing agency at the student's or school's expense.

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

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

95.15 **2110.0720 DISPLAY OF LICENSES.**

95.16 Current licenses of all instructors, the designated school manager, and the school must
95.17 be conspicuously posted in the reception area.

95.18 **2110.0730 PREENROLLMENT DISCLOSURES.**

95.19 The following information must be given to prospective students along with any
95.20 materials designed to solicit their enrollment: minimum requirements for licensing in the
95.21 fields in which the school offers instruction, tuition and all fees, the enrollment contract,
95.22 refund policy, and student regulations. Prior to enrollment, written materials regarding
95.23 refund policies must be discussed with and acknowledged as being understood by anyone
95.24 enrolling in a cosmetology school. All written materials used to solicit prospective
95.25 students must comply with part 2110.0110. Copies of all solicitation materials must be
95.26 retained by the school for a period of five years from the last date of use.

96.1 **2110.0740 SCHOOL CLINICS.**

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

96.6 B. A new school must not offer clinical services until the minimum preclinical
96.7 hours required for students has been met.

96.8 C. A school must not operate a student clinic at any location other than the school.

96.9 D. A sign stating, "All services performed by students," in type at least 2-1/2
96.10 inches in height must be conspicuously displayed in each reception area of the school
96.11 and in each clinic.

96.12 E. Instructors must not perform services on any client in the school clinic except
96.13 to the extent necessary to demonstrate or instruct students. The student must be physically
96.14 present, observing the instruction or demonstration and must participate in the learning
96.15 experience by actual performance of the complete service.

96.16 F. Students must not perform clinic services until the required hours of
96.17 preclinical training have been completed.

96.18 G. All services performed by students must be supervised by instructors and
96.19 checked before, during, and after performance.

96.20 H. All students are required to wear an identification badge at all times. The
96.21 badges must be at least two inches by one inch; state the student's name; and state that the
96.22 student is either a "Cosmetologist Student," "Esthetician Student," or "Nail Technician
96.23 Student." Badges must be furnished by the school as part of tuition costs.

96.24 I. Each student and each instructor must wash hands with soap and hot water
96.25 before providing or demonstrating any service on a student, mannequin, or client. An

97.1 alcohol-based hand rub with a minimum of 60 percent alcohol may be used in lieu of hand
97.2 washing only when the hands are free of lotions, ointments, product, and visible soil.
97.3 Gloves and hand wipes are not an acceptable substitute for hand washing.

97.4 J. A school may charge clients for services performed by students. These prices
97.5 must be conspicuously posted in the clinic reception area.

97.6 **2110.0750 PENALTIES.**

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

97.9 **REPEALER.** Minnesota Rules, parts 2105.0010, subparts 5, 8, 9, and 12; 2105.0100;
97.10 2105.0120; 2105.0130; 2105.0140; 2105.0150; 2105.0160; 2105.0180; 2105.0185;
97.11 2105.0190, subpart 5; 2105.0200, subpart 4; 2105.0210; 2105.0300; 2105.0320;
97.12 2105.0340; 2105.0350; 2105.0360, subpart 2; 2105.0380; 2105.0400; 2105.0450;
97.13 2105.0600; 2105.0610; 2110.0010, subparts 3, 5, 6, 10, 11, 13, and 19; 2110.0120;
97.14 2110.0130; 2110.0140; 2110.0150; 2110.0300; 2110.0340; 2110.0370; 2110.0410, subpart
97.15 4; 2110.0420; 2110.0540; 2110.0560; 2110.0570; 2110.0620; and 2110.0700, are repealed.