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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 3702

02/13/2024

Authored by Vang

The bill was read for the first time and referred to the Committee on State and Local Government Finance and Policy

1.1 A bill for an act

1.2 relating to barbers; modifying provisions relating to the Board of Barber Examiners;

1.3 amending Minnesota Statutes 2022, sections 154.001, subdivision 2; 154.003;

1.4 154.01; 154.02, subdivisions 1, 4, by adding subdivisions; 154.05; 154.07,

1.5 subdivision 1, by adding a subdivision; 154.08; 154.09; 154.11, subdivision 1, by

1.6 adding a subdivision; repealing Minnesota Rules, parts 2100.2500; 2100.2600;

1.7 2100.2900; 2100.3000; 2100.3200; 2100.3300; 2100.4500; 2100.5200, subparts

1.8 1, 2, 5; 2100.5300; 2100.6000.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2022, section 154.001, subdivision 2, is amended to read:

1.11 Subd. 2. **Board of Barber Examiners.** (a) A Board of Barber Examiners is established

1.12 to consist of four barber members and one public member, as defined in section 214.02,

1.13 appointed by the governor.

1.14 (b) The barber members shall be persons who have practiced as registered barbers in

1.15 this state for at least five years immediately prior to their appointment; shall be graduates

1.16 from the 12th grade of a high school or have equivalent education, and shall have knowledge

1.17 of the matters to be taught in registered barber schools, as set forth in section 154.07. ~~One~~

1.18 ~~of the barber members shall be a member of, or recommended by, a union of journeymen~~

1.19 ~~barbers that has existed at least two years, and one barber member shall be a member of,~~

1.20 ~~or recommended by, a professional organization of barbers.~~

2.1 Sec. 2. Minnesota Statutes 2022, section 154.003, is amended to read:

2.2 **154.003 FEES.**

2.3 (a) The fees collected, as required in this chapter, chapter 214, and the rules of the board,
2.4 shall be paid to the board. The board shall deposit the fees in the general fund in the state
2.5 treasury.

2.6 (b) The board shall charge the following fees:

2.7 (1) practical examination and certificate, registered barber, ~~\$85~~ \$80;

2.8 ~~(2) retake of written examination, \$10;~~

2.9 (2) initial barber registration, \$80;

2.10 (3) examination and certificate, instructor, \$180;

2.11 (4) certificate, instructor, \$65;

2.12 (5) temporary teacher permit, \$80;

2.13 (6) temporary registered barber, military, \$85;

2.14 (7) temporary barber instructor, military, \$180;

2.15 (8) renewal of registration, registered barber, \$80;

2.16 (9) renewal of registration, instructor, \$80;

2.17 (10) renewal of temporary teacher permit, \$65;

2.18 (11) student permit, \$45;

2.19 (12) renewal of student permit, \$25;

2.20 (13) initial shop registration, \$85;

2.21 (14) initial school registration, \$1,030;

2.22 (15) renewal shop registration, \$85;

2.23 (16) renewal school registration, \$280;

2.24 (17) restoration of registered barber registration, \$95;

2.25 (18) restoration of shop registration, \$105;

2.26 (19) change of ownership or location, \$55;

2.27 (20) duplicate registration, \$40;

2.28 (21) home study course, \$75;

3.1 (22) letter of registration verification, \$25; and

3.2 (23) reinspection, \$100.

3.3 (c) If the board uses a board-approved examination provider for any portion of the
3.4 comprehensive registered barber examination and the provider charges a fee, an examinee
3.5 must pay the fee directly to the provider. A fee charged by a provider under this paragraph
3.6 is separate from and not included in the fees that an examinee pays to the board.

3.7 Sec. 3. Minnesota Statutes 2022, section 154.01, is amended to read:

3.8 **154.01 REGISTRATION MANDATORY.**

3.9 (a) The registration of the practice of barbering serves the public health and safety of
3.10 the people of the state of Minnesota by ensuring that individuals seeking to practice the
3.11 profession of barbering are appropriately trained in the use of the chemicals, tools, and
3.12 implements of barbering and demonstrate the skills necessary to conduct barber services in
3.13 a safe, sanitary, and appropriate environment required for infection control.

3.14 (b) No person shall practice, offer to practice, or attempt to practice barbering without
3.15 a current certificate of registration as a registered barber, issued pursuant to provisions of
3.16 ~~sections 154.001, 154.002, 154.003, 154.01 to 154.162, 154.19 to 154.21, and 154.24 to~~
3.17 ~~154.28~~ by the Board of Barber Examiners.

3.18 (c) A registered barber must only provide barbering services in a registered barber shop
3.19 or barber school, unless prior authorization is given by the board.

3.20 (d) No person shall operate a barber shop unless it is at all times under the direct
3.21 supervision and management of a registered barber and the owner or operator of the barber
3.22 shop possesses a current shop registration card, issued to the barber shop establishment
3.23 address, ~~under sections 154.001, 154.002, 154.003, 154.01 to 154.162, 154.19 to 154.21,~~
3.24 ~~and 154.24 to 154.28~~ by the Board of Barber Examiners.

3.25 (e) No person shall serve, offer to serve, or attempt to serve as an instructor of barbering
3.26 without a current certificate of registration as a registered instructor of barbering or a
3.27 temporary permit as an instructor of barbering, as provided for the board by rule, issued
3.28 ~~under sections 154.001, 154.002, 154.003, 154.01 to 154.162, 154.19 to 154.21, and 154.24~~
3.29 ~~to 154.28~~ by the Board of Barber Examiners. Barber instruction must be provided in
3.30 registered barber schools only.

3.31 (f) No person shall operate a barber school unless the owner or operator possesses a
3.32 current certificate of registration as a barber school, issued ~~under sections 154.001, 154.002,~~

4.1 ~~154.003, 154.01 to 154.162, 154.19 to 154.21, and 154.24 to 154.28~~ by the Board of Barber
4.2 Examiners.

4.3 Sec. 4. Minnesota Statutes 2022, section 154.02, subdivision 1, is amended to read:

4.4 Subdivision 1. **What constitutes barbering.** Any one or any combination of the
4.5 following practices when done upon the head, face, and neck for cosmetic purposes and not
4.6 for the treatment of disease or physical or mental ailments and when done for payment
4.7 directly or indirectly or without payment for the public generally constitutes the practice of
4.8 barbering within the meaning of ~~sections 154.001, 154.002, 154.003, 154.01 to 154.162,~~
4.9 ~~154.19 to 154.21, and 154.24 to 154.28~~ this chapter: to shave the face or neck using a straight
4.10 razor or other tool, trim the beard, clean, condition, cut, color, shape, or straighten the hair
4.11 of any person of either sex for compensation or other reward received by the person
4.12 performing such service or any other person; to give facial and scalp massage with oils,
4.13 creams, lotions, or other preparations either by hand or mechanical appliances; to singe,
4.14 shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics,
4.15 powders, oils, clays, or lotions to hair, scalp, face, or neck. The removal of hair through the
4.16 process of waxing is not barbering.

4.17 Sec. 5. Minnesota Statutes 2022, section 154.02, subdivision 4, is amended to read:

4.18 Subd. 4. **Certificate of registration.** A "certificate of registration" means the certificate
4.19 issued to an individual, a barber shop, or a barber school that is in compliance with ~~the~~
4.20 ~~requirements of sections 154.001, 154.002, 154.003, 154.01 to 154.162, 154.19 to 154.21,~~
4.21 ~~and 154.24 to 154.28~~ this chapter.

4.22 Sec. 6. Minnesota Statutes 2022, section 154.02, is amended by adding a subdivision to
4.23 read:

4.24 Subd. 7. **Straight razor.** A straight razor is a razor with a rigid steel cutting blade or a
4.25 replaceable blade that is hinged to a case that forms a handle when the razor is open for use.

4.26 Sec. 7. Minnesota Statutes 2022, section 154.02, is amended by adding a subdivision to
4.27 read:

4.28 Subd. 8. **Waxing.** Waxing is the process of removing hair from a part of the body by
4.29 applying wax and peeling off the wax.

5.1 Sec. 8. Minnesota Statutes 2022, section 154.05, is amended to read:

5.2 **154.05 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A**
 5.3 **REGISTERED BARBER.**

5.4 (a) A person is qualified to receive a certificate of registration as a registered barber if
 5.5 the person:

5.6 (1) ~~has successfully completed ten grades of education~~ is at least 17 years of age;

5.7 (2) has successfully completed ~~1,500~~ 1,200 hours of study of which 281 hours are
 5.8 classroom hours and 919 hours are practical hours in a board-approved barber school; and

5.9 (3) has passed ~~an~~ a comprehensive examination ~~conducted by the board~~ in accordance
 5.10 with section 154.09 to determine the person's fitness to practice barbering.

5.11 ~~(b) A first-time applicant for a certificate of registration to practice as a registered barber~~
 5.12 ~~who fails to pass the comprehensive examination conducted by the board and who fails to~~
 5.13 ~~pass a onetime retake of the written examination, shall complete an additional 500 hours~~
 5.14 ~~of barber education before being eligible to retake the comprehensive examination as many~~
 5.15 ~~times as necessary to pass.~~

5.16 Sec. 9. Minnesota Statutes 2022, section 154.07, subdivision 1, is amended to read:

5.17 Subdivision 1. **Admission requirements; course of instruction.** No barber school shall
 5.18 be approved by the board unless ~~it~~ the barber school requires, ~~as a prerequisite to admission,~~
 5.19 ~~ten grades of an approved school or its equivalent, as determined by educational transcript,~~
 5.20 ~~high school diploma, high school equivalency certificate, or an examination conducted by~~
 5.21 ~~the commissioner of education, which shall issue a certificate that the student has passed~~
 5.22 ~~the required examination, and unless it requires,~~ as a prerequisite to graduation, a course of
 5.23 instruction of at least ~~1,500~~ 1,200 hours of not more than ten hours of schooling in any one
 5.24 working day. The course of instruction must include the following subjects: scientific
 5.25 fundamentals for barbering; hygiene; practical study of the hair, skin, muscles, and nerves;
 5.26 structure of the head, face, and neck; elementary chemistry relating to sanitation; disinfection;
 5.27 sterilization and antiseptics; diseases of the skin, hair, and glands; massaging and
 5.28 manipulating the muscles of the face and neck; haircutting; shaving; trimming the beard;
 5.29 bleaching, tinting and dyeing the hair; and the chemical waving and straightening of hair.

6.1 Sec. 10. Minnesota Statutes 2022, section 154.07, is amended by adding a subdivision to
6.2 read:

6.3 Subd. 7. **Application review process.** (a) Upon receipt of an application to establish a
6.4 barber school, the board must consider the application during a meeting that is open to the
6.5 public. At the meeting, the applicant must demonstrate that:

6.6 (1) the contents of the application are true, as required by chapter 154 and the rules of
6.7 the board; and

6.8 (2) the applicant has sufficient financial resources to fund the barber school.

6.9 (b) The board may deny an application if the board determines that the applicant's
6.10 financial resources would be insufficient to:

6.11 (1) maintain and operate a barber school; and

6.12 (2) ensure that the barber school would be open long enough for all registered students
6.13 to graduate from the barber school.

6.14 Sec. 11. Minnesota Statutes 2022, section 154.08, is amended to read:

6.15 **154.08 APPLICATION; FEE.**

6.16 Subdivision 1. **Application and fee requirements.** Each applicant for an examination
6.17 shall:

6.18 (1) make an application to the Board of Barber Examiners or a board-approved
6.19 examination provider on blank forms prepared and furnished by it, the application to the
6.20 board or the board-approved provider. The application must contain proof under the
6.21 applicant's oath of the particular qualifications and identity of the applicant;

6.22 (2) provide all documentation required in support of the application;

6.23 (3) pay to the board the required fee; ~~and~~

6.24 (4) upon acceptance of the notarized application, present a corresponding
6.25 government-issued photo identification when the applicant appears for the examination;
6.26 and

6.27 (5) file an application with the board no later than the twentieth day of the month
6.28 preceding the month when the practical portion of the exam is administered.

7.1 Sec. 12. Minnesota Statutes 2022, section 154.09, is amended to read:

7.2 **154.09 EXAMINATIONS, CONDUCT AND SCOPE.**

7.3 Subdivision 1. Examination dates. The board or a board-approved examination provider
7.4 shall conduct practical examinations of applicants for certificates of registration to practice
7.5 as registered barbers not more than ~~six~~ eight times each year, at such time and place as the
7.6 board may determine. ~~Additional~~ Written examinations may be scheduled ~~by the board~~ and
7.7 conducted by board staff or a board-approved provider as designated by the board.

7.8 Subd. 2. Documentation required. The ~~proprietor~~ owner or operator of a barber school
7.9 must file an affidavit with the board of hours completed by students applying to take the
7.10 ~~registered barber~~ comprehensive examination. Students must complete the full ~~1,500-hour~~
7.11 1,200-hour curriculum in a barber school approved by the board ~~within the past four years~~
7.12 to be eligible for the examination. ~~Barber students who have completed barber school more~~
7.13 ~~than four years prior to application, that have not obtained a barber registration, license, or~~
7.14 ~~certificate in any jurisdiction must complete an additional 500 hours of barber school~~
7.15 ~~education to be eligible for the registered barber examination.~~

7.16 Subd. 3. Examinations for registration restoration. ~~Registered barbers that fail~~ An
7.17 individual who fails to renew ~~their~~ the individual's barber registration for four or more years
7.18 ~~are~~ is required to purchase and complete the "Home Study Course for Barbers" program
7.19 that was prepared and approved by the board before the individual is eligible to apply to
7.20 take the registered barber comprehensive examination to reinstate the individual's registration.

7.21 Subd. 4. Examinations for individuals seeking reciprocity. An individual who must
7.22 pass the comprehensive examination under section 154.11 must purchase and complete the
7.23 "Home Study Course for Barbers" program that was prepared and approved by the board
7.24 before the individual is eligible to take the comprehensive examination.

7.25 Subd. 5. Contents of examination. The comprehensive examination of applicants for
7.26 ~~certificates of registration as barbers shall~~ must include:

7.27 (1) a practical demonstration portion that consists of: a haircut and three of the following
7.28 practical services that the board shall determine: a shave, a beard trim, a shampoo, a perm
7.29 wrap, a facial, or a color application; and

7.30 (2) a written test. The examination must cover portion that covers the subjects taught in
7.31 barber schools registered with the board, including as required by this chapter, applicable
7.32 state statute statutes, and rule rules.

8.1 Subd. 6. Examination grading. The comprehensive examination must be graded as
8.2 follows:

8.3 (1) the grading for the practical portion of the examination must be on a scale of one to
8.4 100, with 100 representing a perfect score. A score of 75 must be the minimum passing
8.5 grade for the haircut portion and 75 must be the minimum passing score for the average of
8.6 the remaining parts of the practical examination; and

8.7 (2) the grading criteria for the written portion of the examination must not be less than
8.8 75 percent.

8.9 Subd. 7. Failure of examination. (a) An individual who does not pass one portion of
8.10 the comprehensive examination within a year of passing the other portion of the
8.11 comprehensive examination must retake the entire comprehensive examination.

8.12 (b) An individual who has failed a portion of the comprehensive examination may retake
8.13 that portion of the examination within a year of passing the other portion after meeting the
8.14 requirements of this chapter, paying any required fees, and making an application to the
8.15 board as required by section 154.08.

8.16 Sec. 13. Minnesota Statutes 2022, section 154.11, subdivision 1, is amended to read:

8.17 Subdivision 1. **Examination of nonresidents.** (a) A person who meets all of the
8.18 requirements for barber registration in ~~sections 154.001, 154.002, 154.003, 154.01 to~~
8.19 ~~154.162, 154.19 to 154.21, and 154.24 to 154.28~~ this chapter and either has a currently
8.20 active license, certificate of registration, or equivalent as a practicing barber or instructor
8.21 of barbering as verified from another state or, if presenting foreign country credentials as
8.22 verified by a board-approved professional credential evaluation provider, which in the
8.23 discretion of the board has substantially the same requirements for registering barbers and
8.24 instructors of barbering as required by ~~sections 154.001, 154.002, 154.003, 154.01 to~~
8.25 ~~154.162, 154.19 to 154.21, and 154.24 to 154.28~~ in this chapter shall, upon payment of the
8.26 required fee, be issued a certificate of registration without examination.

8.27 (b) Individuals without a current documented license, certificate of registration, or
8.28 equivalent, as verified in paragraph (a), must have a minimum of ~~1,500~~ 1,200 hours of
8.29 barber education as verified by the barber school attended in the other state or if presenting
8.30 foreign country education as verified by a board-approved professional credential evaluation
8.31 provider, completed within the previous four years, which, in the discretion of the board,
8.32 has substantially the same requirements as required in ~~sections 154.001, 154.002, 154.003,~~

9.1 ~~154.01 to 154.162, 154.19 to 154.21, and 154.24 to 154.28~~ this chapter will be eligible for
9.2 examination.

9.3 (c) Individuals unable to meet the requirements in paragraph (a) or (b) shall be subject
9.4 to all the requirements of section 154.05.

9.5 Sec. 14. Minnesota Statutes 2022, section 154.11, is amended by adding a subdivision to
9.6 read:

9.7 Subd. 4. Examination of cosmetologists. (a) A person may be credited with up to 800
9.8 hours of study toward the 1,200 hours of study required under section 154.05 if the person:

9.9 (1) has hours of study that the board determines are substantially similar to the
9.10 requirements in section 154.07;

9.11 (2) has a currently active license verified by the issuing state or a certificate of registration
9.12 verified by the issuing state, or equivalent, as a practicing cosmetologist; or

9.13 (3) has credentials as a practicing cosmetologist from a foreign country that are verified
9.14 by a board-approved professional credential evaluation provider and the board has determined
9.15 that the foreign country's curriculum requirements are substantially similar to the
9.16 requirements in section 154.07.

9.17 (b) After a person with credited hours under paragraph (a) completes the remaining
9.18 required hours in a board-approved barber school and meets the requirements of section
9.19 154.05, clause (1), the person is eligible for the comprehensive examination.

9.20 Sec. 15. **REPEALER.**

9.21 Minnesota Rules, parts 2100.2500; 2100.2600; 2100.2900; 2100.3000; 2100.3200;
9.22 2100.3300; 2100.4500; 2100.5200, subparts 1, 2, and 5; 2100.5300; and 2100.6000, are
9.23 repealed.

2100.2500 EXAMINATION DATES.

Examinations for a certificate as a registered barber shall be held in the second week of February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.2600 APPLICATION FOR EXAMINATION.

An applicant for examination as a registered barber shall file an application for examination on forms furnished by the board. This application must be filed with the board no later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

Applicants for registered barber status must complete the program entitled "Home Study Course for Barbers" prepared or approved by the Board of Barber Examiners before the examination may be taken.

2100.2900 CONTENTS OF EXAMINATION.

An examination consists of five parts: a written examination and four practical services. The type of haircut, shave or beard trim, and two of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

2100.3000 GRADING OF EXAMINATION.

The registered barber examinations given pursuant to Minnesota Statutes, section 154.09, shall be graded as follows: The grading criteria for the written part of the examination and the passing grade will be established for each written examination at the time of its preparation; however, the lowest passing grade established shall never be less than 55. The grading for the practical performances part of the examination will be on a scale of 1 to 100 with 100 representing a perfect score. A score of 75 will be the minimum passing grade for the haircut portion, and 75 will also be the minimum passing score for the average of the remaining parts of the practical performances. If an applicant does not receive at least the established minimum passing grade on the written portion of the examination, or at least a grade of 75 on the haircut portion of the examination, or score an average of at least 75 on the remaining parts of the practical examination, the applicant will have failed the examination, and may only retake the examination after paying the necessary fee and meeting the requirements of Minnesota Statutes, section 154.05.

2100.3200 FAILURE OF EXAMINATION.

An individual who has not held a Minnesota barber registration prior to examination and who fails the examination and onetime written retake, if applicable, shall complete an additional 500 hours of barber school to be eligible to retake the examination as many times as necessary to pass.

An individual who has previously held a Minnesota barber registration as an apprentice or registered barber may take the examination as many times as necessary to reinstate the registration without additional barber school hours.

2100.3300 FAILURE TO RENEW CERTIFICATE WITHIN FOUR YEARS.

A registered barber who has failed to renew the certificate of registration for four years or more from the date of expiration must complete the current program entitled "Home Study Course for Barbers" prepared or approved by the Board of Barber Examiners and take and pass the registered barber examination before a certificate of registration may be issued. Home Study Course for Barbers is required prior to examination for all examinees.

2100.4500 INSTRUCTOR REGISTRATION QUALIFICATION.

To qualify for an instructor's examination, an applicant must be a registered barber with three years' experience.

2100.5200 CONSIDERATIONS IN REGISTRATION ISSUANCE.

Subpart 1. **Factors.** Upon receipt of an application for establishment of a barber school, the board shall give consideration to the factors in subparts 2 and 5.

Subp. 2. **Public welfare.** The board shall give consideration to any detriment to the public welfare and the need for barber school facilities in the community and neighborhood where the proposed barber school is to be located, giving particular consideration to:

- A. the economic character of the community and neighborhood;
- B. the effect on existing barber shops and barber schools in the community;
- C. the availability of adequate support for the proposed barber school in the community and neighborhood with particular regard to adequate practice for students;
- D. the extent to which the proposed barber school would draw patrons from adjacent communities or neighborhoods and the character thereof; and
- E. the effect of the establishment of a barber school on the social and economic aspects of the community and neighborhood and adjacent communities and neighborhoods in regard to the proposed site.

Subp. 5. **Student-registered instructor ratio.** There must be at least one instructor for every 17 students enrolled.

2100.5300 PUBLIC HEARING ON REGISTRATION APPLICATION.

Upon receipt of an application for the establishment of a barber school, the board shall conduct a public hearing in accordance with Minnesota Statutes, chapter 14, and rules promulgated thereunder. The applicant shall show at such hearing, by competent evidence, the factual basis of the assertions of the application and the applicant's qualifications as required by Minnesota Statutes, chapter 154, and the rules of the board. The applicant shall further show financial qualifications and it shall be a sufficient reason for denial of the application that the board considers the financial resources of the applicant to be insufficient to maintain and operate a barber school and assure the graduation of students who are registered in such school and have paid their tuition.

2100.6000 HOURS OF INSTRUCTION.

Each student, including each part-time student, must complete at least 281 classroom hours and 1,219 practical hours in the required 1,500-hour course.