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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 1907

03/01/2017 Authored by Franson
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
03/13/2017 Adoption of Report: Amended and re-referred to the Committee on State Government Finance

A bill for an act

relating to cosmetology; making technical changes; clarifying eyelash extension regulation; authorizing rulemaking; amending Minnesota Statutes 2016, sections 155A.23, subdivisions 10, 15, 16, by adding a subdivision; 155A.29, subdivisions 1, 2; 155A.30, subdivisions 2, 5; Laws 2015, chapter 77, article 2, section 81; repealing Minnesota Statutes 2016, section 155A.23, subdivision 8.

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

Section 1. Minnesota Statutes 2016, section 155A.23, is amended by adding a subdivision to read:

Subd. 9a. Salon manager. A "salon manager" is any person who is a practitioner and licensed to serve as a designated licensed salon manager, as defined in section 155A.23, subdivision 15.

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

Sec. 2. Minnesota Statutes 2016, section 155A.23, subdivision 10, is amended to read:

Subd. 10. School. A "school" is a place where any person operates and maintains a class to teach provides training on regulated cosmetology to the public for compensation services requiring licensure. "School" does not include a place where the only teaching of cosmetology is done by a licensed cosmetologist as part of a community education program of less than ten hours duration, provided that the program does not permit practice on persons other than students in the program, and provided that the program is intended solely for the self-improvement of the students and not as preparation for professional practice. a continuing education course required for license renewal, additional training offered to licensed

2.1 individuals, or training intended solely for the self-improvement of the attendees and not
2.2 as preparation for professional practice.

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

2.4 Sec. 3. Minnesota Statutes 2016, section 155A.23, subdivision 15, is amended to read:

2.5 Subd. 15. **Designated licensed salon manager.** A "designated licensed salon manager"
2.6 is a licensed salon manager designated by a salon owner and registered with the board, who
2.7 is responsible with the salon owner for salon and practitioner compliance.

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

2.9 Sec. 4. Minnesota Statutes 2016, section 155A.23, subdivision 16, is amended to read:

2.10 Subd. 16. **School manager.** A "school manager" is a ~~cosmetologist who is a salon~~
2.11 ~~manager and who has a school manager license. A school manager must maintain an active~~
2.12 ~~salon manager's license~~ person who is licensed to serve as a designated school manager, as
2.13 defined in section 155A.23, subdivision 17.

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

2.15 Sec. 5. Minnesota Statutes 2016, section 155A.29, subdivision 1, is amended to read:

2.16 Subdivision 1. **Licensing.** A person must not offer cosmetology services for compensation
2.17 unless the services are provided by a licensee in a licensed salon or as otherwise provided
2.18 in this section. Each salon must be licensed ~~as a cosmetology salon, a nail salon, esthetician~~
2.19 ~~salon, advanced practice esthetician salon, or eyelash extension salon. A salon may hold~~
2.20 ~~more than one type of salon license.~~

2.21 Sec. 6. Minnesota Statutes 2016, section 155A.29, subdivision 2, is amended to read:

2.22 Subd. 2. **Requirements.** The conditions and process by which a salon is licensed shall
2.23 be established by the board by rule. In addition to those requirements, no license shall be
2.24 issued unless the board first determines that the conditions in clauses (1) to (5) have been
2.25 satisfied:

2.26 (1) compliance with all local and state laws, particularly relating to matters of infection
2.27 control, health, and safety;

2.28 (2) the ~~employment~~ appointment of a designated licensed salon manager, as defined in
2.29 section 155A.23, subdivision ~~8~~ 15;

3.1 (3) if applicable, evidence of compliance with workers' compensation section 176.182;
3.2 and

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

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

3.6 Sec. 7. Minnesota Statutes 2016, section 155A.30, subdivision 2, is amended to read:

3.7 Subd. 2. **Standards.** The board shall by rule establish minimum standards of course
3.8 content and length specific to the educational preparation prerequisite to testing and
3.9 practitioner licensing as cosmetologist, esthetician, and nail technician.

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

3.11 Sec. 8. Minnesota Statutes 2016, section 155A.30, subdivision 5, is amended to read:

3.12 Subd. 5. **Conditions precedent to issuance.** A license must not be issued unless the
3.13 board first determines that the applicant has met the requirements in clauses (1) to ~~(8)~~ (9):

3.14 (1) the applicant must have a sound financial condition with sufficient resources available
3.15 to meet the school's financial obligations; to refund all tuition and other charges, within a
3.16 reasonable period of time, in the event of dissolution of the school or in the event of any
3.17 justifiable claims for refund against the school; to provide adequate service to its students
3.18 and prospective students; and to maintain proper use and support of the school;

3.19 (2) the applicant must have satisfactory training facilities with sufficient tools and
3.20 equipment and the necessary number of work stations to adequately train the students
3.21 currently enrolled, and those proposed to be enrolled;

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

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

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

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

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

4.2 (8) the applicant, except the state and its political subdivisions as described in section
4.3 ~~471.617~~ 13.02, subdivision ~~11~~, ~~shall~~ must file with the board a continuous corporate surety
4.4 bond in the amount of no less than ten percent of the preceding year's gross income from
4.5 student tuition, fees, and other required institutional charges, but in no event less than
4.6 \$10,000, conditioned upon the faithful performance of all contracts and agreements with
4.7 students made by the applicant. New schools must base the bond amount on the anticipated
4.8 gross income from student tuition, fees, and other required institutional charges for the third
4.9 year of operation, but in no event less than \$10,000. The applicant must compute the amount
4.10 of the surety bond and verify that the amount of the surety bond complies with this
4.11 subdivision. The bond shall run to the state of Minnesota board and to any person who may
4.12 have a cause of action against the applicant arising at any time after the bond is filed and
4.13 before it is canceled for breach of any contract or agreement made by the applicant with
4.14 any student. The aggregate liability of the surety for all breaches of the conditions of the
4.15 bond shall not exceed \$10,000. The surety of the bond may cancel it upon giving 60 days'
4.16 notice in writing to the board and shall be relieved of liability for any breach of condition
4.17 occurring after the effective date of cancellation; and

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

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

4.21 Sec. 9. Laws 2015, chapter 77, article 2, section 81, the effective date, is amended to read:

4.22 **EFFECTIVE DATE.** Paragraph (a) of this section is effective the day following final
4.23 enactment. Paragraph (b) of this section is effective January 1, ~~2016~~ 2017, and expires
4.24 January 1, ~~2019~~ 2020.

4.25 **EFFECTIVE DATE.** This section is effective retroactively from January 1, 2016.

4.26 Sec. 10. **EYELASH TECHNICIAN GRANDFATHERING.**

4.27 (a) The board must issue grandfathered eyelash technician licenses no later than February
4.28 1, 2018, under the conditions in this section:

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

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

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

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

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

5.8 (5) the practitioner fees required under section 155A.25.

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

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

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

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

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

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

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

5.24 (7) the practitioner fees required under section 155A.25.

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

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

5.29 **Sec. 11. EYELASH TECHNICIAN RULEMAKING.**

5.30 The Board of Cosmetologist Examiners shall adopt rules governing the eyelash technician
5.31 and salon licenses, which must include scope of practice, the conditions and process of

6.1 issuing and renewing the license, requirements related to education and testing, and 14 hours
6.2 of training regarding application of eyelash extensions in a board-licensed school. The board
6.3 may use the expedited rule process in Minnesota Statutes, section 14.389.

6.4 Sec. 12. **EYELASH TECHNICIAN LICENSING.**

6.5 The Board of Cosmetologist Examiners must not issue an eyelash practitioner license
6.6 before February 1, 2018, except for grandfathered licenses issued under section 10.

6.7 Sec. 13. **REPEALER.**

6.8 Minnesota Statutes 2016, section 155A.23, subdivision 8, is repealed.

APPENDIX
Repealed Minnesota Statutes: H1907-1

155A.23 DEFINITIONS.

Subd. 8. **Manager.** A "manager" is any person who is a cosmetologist, esthetician, advanced practice esthetician, nail technician practitioner, or eyelash technician practitioner, and who has a manager license and provides any services under that license, as defined in subdivision 3.