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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4390

03/17/2022 Authored by Masin
03/23/2022 The bill was read for the first time and referred to the Committee on State Government Finance and Elections
Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to cosmetology; modifying Board of Cosmetologist Examiners provisions;
1.3 amending Minnesota Statutes 2020, sections 155A.20; 155A.23, subdivisions 8,
1.4 11, 18, by adding a subdivision; 155A.25, subdivision 1a; 155A.27, subdivisions
1.5 1, 5a, 6, 10, by adding a subdivision; 155A.271, subdivision 1; 155A.29,
1.6 subdivision 1; 155A.30, subdivisions 2, 3, 4, 11.

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

1.8 Section 1. Minnesota Statutes 2020, section 155A.20, is amended to read:

1.9 155A.20 BOARD OF COSMETOLOGIST EXAMINERS CREATED; TERMS.

1.10 (a) A Board of Cosmetologist Examiners is established to consist of seven nine members,
1.11 appointed by the governor as follows:

1.12 (1) two cosmetologists, one of whom is recommended by a professional association of
1.13 cosmetologists, nail technicians, and estheticians;

1.14 (2) two school instructors, one of whom is teaching at a public cosmetology school in
1.15 the state and one of whom is teaching at a private cosmetology school in the state;

1.16 (3) one esthetician;

1.17 (4) one advanced practice esthetician;

1.18 (4) (5) one nail technician; and

1.19 (6) one hair technician; and

1.20 (5) (7) one public member, as defined in section 214.02.

1.21 (b) All cosmetologist, esthetician, and nail technician members must be currently licensed
1.22 in the field of cosmetology, nail technology, or esthetology, esthiology in Minnesota, have

2.1 practiced in the licensed occupation for at least five years immediately prior to their
 2.2 appointment, be graduates from grade 12 of high school or have equivalent education, and
 2.3 have knowledge of sections 155A.21 to 155A.36 and Minnesota Rules, chapters 2105 and
 2.4 2110.

2.5 (c) Membership terms, compensation of members, removal of members, the filling of
 2.6 membership vacancies, and fiscal year and reporting requirements shall be as provided in
 2.7 sections 214.07 to 214.09. The provision of staff, administrative services, and office space;
 2.8 the review and processing of complaints; the setting of board fees; and other provisions
 2.9 relating to board operations shall be as provided in chapter 214.

2.10 (d) Members appointed to fill vacancies caused by death, resignation, or removal shall
 2.11 serve during the unexpired term of their predecessors.

2.12 **EFFECTIVE DATE.** This section is effective January 1, 2023.

2.13 Sec. 2. Minnesota Statutes 2020, section 155A.23, subdivision 8, is amended to read:

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

2.18 **EFFECTIVE DATE.** This section is effective January 1, 2024.

2.19 Sec. 3. Minnesota Statutes 2020, section 155A.23, subdivision 11, is amended to read:

2.20 Subd. 11. **Instructor.** An "instructor" is any person employed by a school to prepare
 2.21 and present the theoretical and practical education of cosmetology to persons who seek to
 2.22 practice cosmetology. ~~An instructor must maintain an active operator or manager's license~~
 2.23 ~~in the area in which the instructor holds an instructor's license.~~ As long as an instructor
 2.24 holds an active instructor license, the board must ensure that the instructor's license as an
 2.25 operator or a salon manager in the same field automatically continues to be active. The
 2.26 board must not assess an instructor any fees for an operator or a salon manager license while
 2.27 an instructor holds an active instructor license.

2.28 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.1 Sec. 4. Minnesota Statutes 2020, section 155A.23, subdivision 18, is amended to read:

3.2 Subd. 18. **Practitioner.** A "practitioner" is any person licensed as an operator or manager
3.3 in the practice of cosmetology, esthiology, advanced practice esthiology, hair technology
3.4 services, nail technology services, or eyelash technology services.

3.5 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.6 Sec. 5. Minnesota Statutes 2020, section 155A.23, is amended by adding a subdivision to
3.7 read:

3.8 Subd. 21. **Hair technician.** A "hair technician" is any person who, for compensation,
3.9 performs personal services for the cosmetic care of hair on the scalp. Hair technician services
3.10 include cutting hair and the application of dyes, bleach, reactive chemicals, keratin, or other
3.11 preparations to color or alter the structure of hair. A person who only performs hairstyling
3.12 as defined by subdivision 19 is not a hair technician.

3.13 **EFFECTIVE DATE.** This section is effective January 1, 2024.

3.14 Sec. 6. Minnesota Statutes 2020, section 155A.25, subdivision 1a, is amended to read:

3.15 Subd. 1a. **Schedule.** (a) The schedule for fees and penalties is as provided in this
3.16 subdivision.

3.17 (b) Three-year license fees are as follows:

3.18 (1) \$195 initial practitioner, manager, or instructor license, divided as follows:

3.19 (i) \$155 for each initial license; and

3.20 (ii) \$40 for each initial license application fee;

3.21 (2) \$115 renewal of practitioner license, divided as follows:

3.22 (i) \$100 for each renewal license; and

3.23 (ii) \$15 for each renewal application fee;

3.24 (3) \$145 renewal of manager or instructor license, divided as follows:

3.25 (i) \$130 for each renewal license; and

3.26 (ii) \$15 for each renewal application fee;

3.27 (4) \$350 initial salon license, divided as follows:

3.28 (i) \$250 for each initial license; and

- 4.1 (ii) \$100 for each initial license application fee;
- 4.2 (5) \$225 renewal of salon license, divided as follows:
- 4.3 (i) \$175 for each renewal; and
- 4.4 (ii) \$50 for each renewal application fee;
- 4.5 (6) \$4,000 initial school license, divided as follows:
- 4.6 (i) \$3,000 for each initial license; and
- 4.7 (ii) \$1,000 for each initial license application fee; and
- 4.8 (7) \$2,500 renewal of school license, divided as follows:
- 4.9 (i) \$2,000 for each renewal; and
- 4.10 (ii) \$500 for each renewal application fee.
- 4.11 (c) Penalties may be assessed in amounts up to the following:
- 4.12 (1) reinspection fee, \$150;
- 4.13 (2) manager and owner with expired practitioner found on inspection, \$150 each;
- 4.14 (3) expired practitioner or instructor found on inspection, \$200;
- 4.15 (4) expired salon found on inspection, \$500;
- 4.16 (5) expired school found on inspection, \$1,000;
- 4.17 (6) failure to display current license, \$100;
- 4.18 (7) failure to dispose of single-use equipment, implements, or materials as provided
- 4.19 under section 155A.355, subdivision 1, \$500;
- 4.20 (8) use of prohibited razor-type callus shavers, rasps, or graters under section 155A.355,
- 4.21 subdivision 2, \$500;
- 4.22 (9) performing nail or cosmetology services in esthetician salon, or performing esthetician
- 4.23 or cosmetology services in a nail salon, \$500;
- 4.24 (10) owner and manager allowing an operator to work as an independent contractor,
- 4.25 \$200;
- 4.26 (11) operator working as an independent contractor, \$100;
- 4.27 (12) refusal or failure to cooperate with an inspection, \$500;
- 4.28 (13) practitioner late renewal fee, \$45; and

- 5.1 (14) salon or school late renewal fee, \$50.
- 5.2 (d) Administrative fees are as follows:
- 5.3 (1) homebound service permit, \$50 three-year fee;
- 5.4 (2) name change, \$20;
- 5.5 (3) certification of licensure, \$30 each;
- 5.6 (4) duplicate license, \$20;
- 5.7 (5) special event permit, \$75 per year;
- 5.8 ~~(6) \$100 for each temporary military license for a cosmetologist, nail technician,~~
- 5.9 ~~esthetician, or advanced practice esthetician one-year fee;~~
- 5.10 ~~(7)~~ (6) expedited initial individual license, \$150;
- 5.11 ~~(8)~~ (7) expedited initial salon license, \$300;
- 5.12 ~~(9)~~ (8) instructor continuing education provider approval, \$150 each year; and
- 5.13 ~~(10)~~ (9) practitioner continuing education provider approval, \$150 each year.

5.14 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.15 Sec. 7. Minnesota Statutes 2020, section 155A.27, subdivision 1, is amended to read:

5.16 Subdivision 1. **Licensing.** A person must hold an individual license to practice in the

5.17 state as a cosmetologist, esthetician, hair technician, nail technician, eyelash technician,

5.18 advanced practice esthetician, manager, or instructor.

5.19 **EFFECTIVE DATE.** This section is effective January 1, 2024.

5.20 Sec. 8. Minnesota Statutes 2020, section 155A.27, subdivision 5a, is amended to read:

5.21 Subd. 5a. **Temporary military license.** The board shall establish temporary licenses

5.22 for a cosmetologist, hair technician, nail technician, and esthetician in accordance with

5.23 section 197.4552. A temporary license is valid for a three-year license cycle. An applicant

5.24 may only apply once for a temporary license.

5.25 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.1 Sec. 9. Minnesota Statutes 2020, section 155A.27, subdivision 6, is amended to read:

6.2 Subd. 6. **Duration of license.** Licensing in each classification shall be for a period of
6.3 three years. The board may extend a licensee's operator or salon manager license when
6.4 issuing a new instructor license to the licensee to match expiration dates.

6.5 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.6 Sec. 10. Minnesota Statutes 2020, section 155A.27, subdivision 10, is amended to read:

6.7 Subd. 10. **Nonresident licenses.** (a) A nonresident cosmetologist, hair technician, nail
6.8 technician, ~~or~~ esthetician, or eyelash technician may be licensed in Minnesota if the individual
6.9 has completed cosmetology school in a state or country with the same or greater school
6.10 hour requirements, has an active license in that state or country, and has passed a
6.11 board-approved theory and practice-based examination, the Minnesota-specific written
6.12 operator examination for cosmetologist, hair technician, nail technician, ~~or~~ esthetician, or
6.13 eyelash technician. If a test is used to verify the qualifications of trained cosmetologists,
6.14 the test should be translated into the nonresident's native language within the limits of
6.15 available resources. Licenses shall not be issued under this subdivision for managers or
6.16 instructors.

6.17 (b) If an individual has less than the required number of school hours, the individual
6.18 must have had a current active license in another state or country for at least three years and
6.19 have passed a board-approved theory and practice-based examination, and the
6.20 Minnesota-specific written operator examination for cosmetologist, hair technician, nail
6.21 technician, ~~or~~ esthetician, or eyelash technician. If a test is used to verify the qualifications
6.22 of trained cosmetologists, the test should be translated into the nonresident's native language
6.23 within the limits of available resources. Licenses must not be issued under this subdivision
6.24 for managers or instructors.

6.25 (c) Applicants claiming training and experience in a foreign country shall supply official
6.26 English-language translations of all required documents from a board-approved source.

6.27 **EFFECTIVE DATE.** This section is effective January 1, 2024.

6.28 Sec. 11. Minnesota Statutes 2020, section 155A.27, is amended by adding a subdivision
6.29 to read:

6.30 **Subd. 11. Reciprocity for barbers.** A barber who has a currently active registration
6.31 under Minnesota Statutes, chapter 154, may be granted credit, as determined by rule, toward
6.32 the required hours of study required for licensure in cosmetology or hair technology.

7.1 **EFFECTIVE DATE.** This section is effective January 1, 2024.

7.2 Sec. 12. Minnesota Statutes 2020, section 155A.271, subdivision 1, is amended to read:

7.3 Subdivision 1. **Continuing education requirements.** (a) To qualify for license renewal
7.4 under this chapter as an individual cosmetologist, hair technician, nail technician, esthetician,
7.5 advanced practice esthetician, eyelash technician, or salon manager, the applicant must
7.6 complete four hours of continuing education credits from a board-approved continuing
7.7 education provider during the three years prior to the applicant's renewal date. One credit
7.8 hour of the requirement must include instruction pertaining to state laws and rules governing
7.9 the practice of cosmetology. Three credit hours must include instruction pertaining to health,
7.10 safety, and infection control matters consistent with the United States Department of Labor's
7.11 Occupational Safety and Health Administration standards applicable to the practice of
7.12 cosmetology, or other applicable federal health, infection control, and safety standards, and
7.13 must be regularly updated so as to incorporate newly developed standards and accepted
7.14 professional best practices. Credit hours earned are valid for three years and may be applied
7.15 simultaneously to all individual licenses held by a licensee under this chapter.

7.16 (b) ~~Effective August 1, 2017,~~ In addition to the hours of continuing education credits
7.17 required under paragraph (a), to qualify for license renewal under this chapter as an individual
7.18 cosmetologist, hair technician, nail technician, esthetician, advanced practice esthetician,
7.19 or salon manager, the applicant must also complete a four credit hour continuing education
7.20 course from a board-approved continuing education provider based on any of the following
7.21 within the licensee's scope of practice:

7.22 (1) product chemistry and chemical interaction;

7.23 (2) proper use and maintenance of machines and instruments;

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

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

7.26 Credits are valid for three years and must be completed with a board-approved provider of
7.27 continuing education during the three years prior to the applicant's renewal date and may
7.28 be applied simultaneously to other individual licenses held as applicable, except that credits
7.29 completed under this paragraph must not duplicate credits completed under paragraph (a).

7.30 (c) Paragraphs (a) and (b) do not apply to an instructor license, a school manager license,
7.31 or an inactive license.

8.1 Sec. 13. Minnesota Statutes 2020, section 155A.29, subdivision 1, is amended to read:

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

8.7 Sec. 14. Minnesota Statutes 2020, section 155A.30, subdivision 2, is amended to read:

8.8 Subd. 2. **Standards.** The board shall by rule establish minimum standards of course
 8.9 content and length specific to the educational preparation prerequisite to testing and licensing
 8.10 as cosmetologist, hair technician, esthetician, ~~and~~ advanced practice esthetician, nail
 8.11 technician, and eyelash technician.

8.12 **EFFECTIVE DATE.** This section is effective January 1, 2024.

8.13 Sec. 15. Minnesota Statutes 2020, section 155A.30, subdivision 3, is amended to read:

8.14 Subd. 3. **Applications.** Application for a license shall be prepared on forms furnished
 8.15 by the board and shall contain the following and such other information as may be required:

8.16 (1) the name of the school, together with ownership and controlling officers, members,
 8.17 and managing employees;

8.18 (2) the specific fields of instruction which will be offered and reconciliation of the course
 8.19 content and length to meet the minimum standards, as prescribed in subdivision 2;

8.20 (3) the place or places where instruction will be given;

8.21 (4) a listing of the equipment available for instruction in each course offered;

8.22 (5) the maximum enrollment to be accommodated;

8.23 (6) a listing of instructors, all of whom shall be licensed as provided in section 155A.27,
 8.24 subdivision 2, except that any school may use occasional instructors or lecturers who would
 8.25 add to the general or specialized knowledge of the students but who need not be licensed;

8.26 (7) a current balance sheet, income statement or documentation to show sufficient
 8.27 financial worth and responsibility to properly conduct a school and to assure financial
 8.28 resources ample to meet the school's financial obligations;

8.29 (8) other financial guarantees which would assure protection of the public as determined
 8.30 by rule; and

9.1 (9) ~~a copy of all written material which the school uses to solicit prospective students,~~
 9.2 ~~including but not limited to a tuition and fee schedule, and all catalogues, brochures and~~
 9.3 ~~other recruitment advertisements. Each school shall annually, on a date determined by the~~
 9.4 ~~board, file with the board any new or amended materials which it has distributed during the~~
 9.5 ~~past year.~~ written materials that the school will use for prospective student enrollment,
 9.6 including the enrollment contract, student handbook, and tuition and fee information.

9.7 **EFFECTIVE DATE.** This section is effective January 1, 2024.

9.8 Sec. 16. Minnesota Statutes 2020, section 155A.30, subdivision 4, is amended to read:

9.9 Subd. 4. **Verification of application.** Each application shall be signed and certified to
 9.10 under oath by the proprietor if the applicant is a proprietorship, by the managing partner if
 9.11 the applicant is a partnership, or by the authorized officers of the applicant if the applicant
 9.12 is a corporation, association, company, firm, society or trust-, except that schools in the
 9.13 Minnesota State Colleges and Universities system and secondary schools must provide a
 9.14 signature from the dean, principal, or other authorized signatory.

9.15 **EFFECTIVE DATE.** This section is effective January 1, 2024.

9.16 Sec. 17. Minnesota Statutes 2020, section 155A.30, subdivision 11, is amended to read:

9.17 Subd. 11. **Instruction requirements.** (a) Instruction may be offered for no more than
 9.18 ten hours per day per student.

9.19 (b) Instruction must be given within a licensed school building except as provided for
 9.20 in paragraph (c). ~~Online instruction is permitted for board-approved theory-based classes.~~
 9.21 Instruction may be given online for theory-based portions of a board-approved curriculum.
 9.22 Practice-based classes portions of a board-approved curriculum must not be given online.

9.23 (c) Schools may offer field trips outside of a licensed school building if the field trips
 9.24 are related to the course curriculum for industry educational purposes.

9.25 Sec. 18. **BOARD OF COSMETOLOGIST EXAMINERS LICENSING WORKING**
 9.26 **GROUP.**

9.27 The board shall establish a working group to study and report to the legislative committees
 9.28 with jurisdiction over the Board of Cosmetologist Examiners by January 1, 2024, on:

9.29 (1) evaluating the salon manager license and school manager license;

9.30 (2) evaluating the scope and requirements for special event services and homebound
 9.31 services permits and considering merging both permits; and

10.1 (3) evaluating an endorsement-based licensing structure.

10.2 Sec. 19. **APPROPRIATION; BOARD OF COSMETOLOGIST EXAMINERS.**

10.3 \$20,000 in fiscal year 2023 is appropriated from the general fund to the Board of
10.4 Cosmetologist Examiners for the purposes of licensing and regulating hair technicians. This
10.5 amount is added to the base.

10.6 Sec. 20. **REVISOR INSTRUCTION.**

10.7 The revisor of statutes must change "Board of Cosmetologist Examiners" to "Board of
10.8 Cosmetology" wherever it appears in Minnesota Statutes.