

# MINNESOTA RULES 1986

## 2640.0100 BOARD OF COSMETOLOGY

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#### 2640.0100 DEFINITIONS.

*[For text of subps 1 to 15, see M.R. 1985]*

Subp. 16. **Good repair.** "Good repair" means that an item is clean, with no holes, frayed wires, or tears in coverings, and fully operational for the purpose intended.

*[For text of subp 17, see M.R. 1985]*

Subp. 18. **Office.** "Office" means the Department of Commerce.

*[For text of subp 19, see M.R. 1985]*

Subp. 20. **Staff.** "Staff" means the personnel of the Department of Commerce.

*[For text of subps 21 and 22, see M.R. 1985]*

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

#### 2640.0600 ADVERTISING.

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

A. It is a violation of chapter 2640 to advertise in any manner that is misleading or inaccurate with respect to any services or policies offered by the licensee.

B. No advertisement shall state or imply favorable consideration by the Department of Commerce other than to state that the salon or school is licensed by the department.

C. Any salon or school advertisement shall list the licensed name of the establishment and the type of license held.

*[For text of items D to F, see M R 1985]*

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

#### 2640.0700 INSPECTIONS.

*[For text of subps 1 to 3, see M.R. 1985]*

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Subp. 4. **Cost and frequency of inspections.** Each cosmetology salon and school shall be inspected annually. Additional inspections may be made as necessary to confirm correction of previous noncompliance. The cost of the annual inspection shall be included in the licensing fee. The cost of additional inspections to confirm correction of previous noncompliance shall be assessed to the school or salon.

*[For text of subps 5 and 6, see M.R. 1985]*

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### 2640.1100 EXAMINATION ADMINISTRATION.

*[For text of subps 1 to 3, see M.R. 1985]*

Subp 4. **Reexam limit.** No passing score on an examination shall be considered valid for more than 12 months.

Subp. 5. **Exam administered in English.** Examinations shall be administered and conducted in English. A reader may be used if documentation is provided that substantiates a reading disability. Documentation must be adequate so as to allow the commissioner to identify the reading disability, verify its existence as to the examination applicant, and confirm that it prevents the applicant from taking the examination in the prescribed manner. Use of a reader must be approved by the commissioner prior to application for the examination.

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

### 2640.1200 APPLICANTS FOR INDIVIDUAL LICENSE.

Applications for licensure shall be made in writing and contain the requirements of items A to C.

*[For text of item A, see M.R. 1985]*

B. The applicant shall demonstrate by examination minimal skills and knowledge necessary for the license sought. The applicant shall successfully complete a written examination demonstrating knowledge of professional, health, and safety methods and procedures and knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought.

C. The applicant shall pay the required examination and license fees. Applicants whose professional training is documented under parts 2640.1300, items B and C, and 2640 1600 shall also pay the processing fee.

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### 2640.1300 COSMETOLOGISTS, MANICURISTS, AND ESTHETICIANS.

In addition to the requirements of part 2640.1200, the applicant shall provide documentation of having obtained the following professional training, within three years prior to this application:

*[For text of items A and B, see M.R. 1985]*

C. current licensure from another state, District of Columbia, territory, or country A certified statement from the licensing body that the applicant is currently licensed shall be attached to the application. If the other jurisdiction does not issue a license, the applicant shall provide documentation of lawful practice for at least 1,800 hours within three years prior to the application. Applicants claiming training and experience in a foreign country shall supply

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official English language transcripts of all documentation and evidence submitted to the office.

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### 2640.1500 INSTRUCTORS.

Subpart 1. **Full instructors.** In addition to the requirements of part 2640.1200, the applicant shall pay a processing fee and shall successfully complete a practical examination demonstrating teaching skills and techniques as related to the instruction of cosmetology practices and provide documentation of:

*[For text of subpart 1, item A, see M R 1985]*

B. successful completion of at least 38 hours of training in a program or programs approved by the office and which will provide the knowledge and skills necessary to instruct in the field of cosmetology;

*[For text of subpart 1, items C and D, see M.R. 1985]*

*[For text of subp 2, see M R 1985]*

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### 2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

*[For text of subpart 1, see M.R. 1985]*

Subp. 2. **Compliance with state rules.** The applicant shall demonstrate compliance with part 2640.1200, items A and C, and shall successfully complete a written examination demonstrating knowledge of Minnesota statutes and rules pertinent to the practice of cosmetology at the level of the license sought.

*[For text of subp 3, see M R 1985]*

Subp. 4. **Specific requirements for instructor.** An applicant for an instructor's license shall provide evidence of 38 hours of training comparable to the requirement of part 2640.1500, item B, and 1,800 hours of licensed or lawful practice as a cosmetologist, manicurist, or esthetician in a salon within the three years prior to application.

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

### 2640.1800 MAINTAINING INDIVIDUAL LICENSES.

Subpart 1. **Compliance with applicable law.** The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

Subp. 2. **Change of name or address.** The licensee shall advise the office of a change of name or address in writing, including both new and old name and address, within 30 days of the change, and pay the duplicate license fee.

Subp. 3. **Renewal.** The licensee shall renew the license as required by part 2640.1900 prior to its expiration date.

Subp. 4. **Display of license.** The licensee shall post his or her license as required by part 2640.3900, item Y

Subp. 5. **Additional requirements for manager.** In addition to the requirements of subparts 1 to 4, the manager shall ensure that all salon or school personnel comply with all applicable statutes and rules, and that the salon or school which he or she manages is in compliance with all applicable statutes and rules.

Subp. 6. **Additional requirements for instructor.** In addition to the requirements of subparts 1 to 4, the instructor shall carry out the curriculum of the school, as approved by the office, preparing students for licensure under the laws of Minnesota.

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

#### **2640.1900 LICENSE RENEWAL FOR INDIVIDUALS.**

Subpart 1. **Application.** All licenses expire on December 31 of the year due and each licensee is responsible for renewing his or her license. An individual who does not renew his or her license by December 31 of the year in which it is due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Failure to receive a notice of renewal from the office does not constitute a valid excuse for not renewing the license.

*[For text of subps 2 and 3, see M.R. 1985]*

Subp. 4. [Repealed, 10 SR 474]

Subp. 5. **Inactive license.** An applicant who has ceased all practice of cosmetology and who wishes to receive an inactive license shall meet the requirements of subparts 1 and 3. An inactive license shall not authorize any individual to engage in the practice of cosmetology as defined in Minnesota Statutes, section 155A.03, subdivision 2.

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

#### **2640.2000 PROCEDURE FOR ACTIVATING A LAPSED LICENSE.**

Subpart 1. **Procedure for lapsed licensee.** If after an individual's license expires, the individual shall be reissued a license after submission of a request for renewal, proof of experience or education as required in part 2640.1900, subpart 2, payment of the license fee, and payment of the processing fee. If more than one year has elapsed, the applicant shall apply for a new license in accordance with parts 2640.1200 to 2640.1600.

Subp. 2. **Penalty.** The manager of a salon or school shall pay a penalty of \$25 for each individual practicing in the salon or school who was not properly licensed at the time he or she was hired.

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

#### **2640.2100 REINSTATEMENT AFTER DENIAL, SUSPENSION, OR REVOCATION.**

An applicant shall have a license reinstated for the remainder of its unexpired term or shall be relicensed in the following circumstances:

*[For text of item A, see M.R. 1985]*

B. after revocation or if the suspended license has expired, reinstatement will be accomplished by meeting the following requirements:

*[For text of item B, subitems (1) to (4), see M.R. 1985]*

(5) the individual applicant shall meet the requirements of part 2640.1200, items A to C and, if applicable, part 2640.1600, and the renewal requirements of part 2640.1900, subpart 2.

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

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### 2640.3200 SALON LICENSURE.

*[For text of subpart 1, see M.R. 1985]*

Subp 2. **Application.** The person, association, firm, or corporation proposing to establish a cosmetology or manicure salon shall apply in writing to the office, on forms supplied by the office, giving the following information:

*[For text of subp 2, items A to C, see M.R. 1985]*

D. evidence of the salon's compliance with local zoning requirements, local building codes and ordinances, and the rules of the Minnesota Department of Health and the State Fire Marshall if no local fire codes exist;

*[For text of subp 2, items E and F, see M.R. 1985]*

*[For text of subps 3 to 5, see M.R. 1985]*

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

### 2640.3400 SALON LICENSE RENEWAL.

*[For text of subpart 1, see M.R. 1985]*

Subp. 2 **Request for renewal.** All licenses expire on December 31 of the year due and each licensee is responsible for renewing his or her license. A salon license that is not renewed by December 31 of the year due is considered unlicensed as of January 1. A postmark of December 31 constitutes timely renewal. Not receiving a notice of renewal from the office does not constitute a valid excuse for not renewing the license.

*[For text of subps 3 to 5, see M.R. 1985]*

Subp. 6. [Repealed, 10 SR 474]

Subp 7. **Identity of manager.** The licensee shall state the name of the salon manager and the number and expiration date of his or her license on the renewal application.

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### 2640.3600 SALON REQUIREMENTS.

*[For text of subps 1 to 3, see M R 1985]*

Subp. 4. **Termination of license.** A salon license is not permanently transferable and terminates after occurrence of a change of either ownership or location. Upon change of either salon ownership or location, the salon's designated manager will have 60 days to apply for and receive a new salon license in accordance with part 2640.3200.

*[For text of subp 5, see M R. 1985]*

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

### 2640.3700 PHYSICAL REQUIREMENTS.

*[For text of subpart 1, see M.R. 1985]*

Subp. 2. **Entrance and exit.** Entrances and exits shall comply with local building codes and ordinances.

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*[For text of subp 3, see M.R. 1985]*

Subp. 4. **Floors.** All floors shall be kept clean and free from hair and other debris at all times and shall be in good repair, free from crevices, cracks, holes, or tears which could collect dirt or hair.

Carpet shall not be an acceptable floor covering unless it is commercial grade carpet.

Subp. 5. **Lighting and electricity.** Each salon shall provide direct lighting to all work areas. Light fixtures shall be clean and dust-free.

There shall be at least one electrical outlet in each work station.

Subp. 6. **Plumbing; water supply.** There shall be clean, hot, and sanitary running water provided in the work area, dispensary area, and toilet facilities.

Each salon shall provide toilet facilities, on its premises or in an adjacent common area, which are not used for any unrelated purpose such as storage or as a dispensary. The toilet facilities shall be clean and sanitary and shall contain, at a minimum, a commode, lavatory, soap dispenser, single-service sanitary towels, and a waste basket. The door shall be kept closed at all times.

Subp. 7. **Ventilation.** Salon ventilation shall comply with local building codes and ordinances.

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### **2640.3800 FIXTURES, FURNITURE, AND EQUIPMENT.**

A salon shall meet the following minimum requirements:

*[For text of items A to C, see M.R. 1985]*

D. There shall be at least one wet disinfecter large enough to completely immerse all items to be disinfected.

E. All furniture in the service area shall have a washable covering or finish and shall at all times be kept clean and in good repair.

F. There shall be a waste receptacle at each work station. This receptacle shall be emptied at least daily. It shall be lined with a disposable plastic bag or liner, or washed daily.

There shall be at least one container which shall be used exclusively as a receptacle for soiled towels and linen. It shall be kept closed at all times. It must comply with local fire codes. If there are no applicable local fire codes, the state fire code applies.

There shall be at least one large covered container for disposal of garbage. This container shall be emptied at intervals necessary to maintain cleanliness. The container shall be lined with a disposable plastic bag or liner, or be washed daily. It must comply with local fire codes and must be kept closed at all times. If there are no applicable local fire codes, the state fire code applies.

*[For text of items G to K, see M.R. 1985]*

**Statutory Authority:** *MS s 155A 05*

**History:** *10 SR 474*

### **2640.3900 OPERATIONAL REQUIREMENTS FOR SALONS.**

It is the responsibility of the manager of the salon and of each operator to comply with the following operational requirements.

*[For text of items A to I, see M.R. 1985]*

J. Each towel, robe, and linen shall be used only once and then be

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properly laundered. After use and until laundering, each item shall be placed in a container which complies with local fire codes or the state fire code where no local fire codes exist. All soiled towels and linens shall be laundered in washing machines with laundry detergent, in water of a temperature of at least 160 degrees Fahrenheit. Commercial laundering is acceptable.

K. The procedures contained in subitems (1) to (7) shall be used to disinfect items:

*[For text of item K, subitems (1) and (2), see M.R. 1985]*

(3) Each item shall be immersed for at least ten minutes in a disinfectant solution comprised of the following: sodium hypochlorite (200 ppm of available chlorine); or iodophor germicidal detergent (200 ppm of available iodine); or quaternary ammonium germicidal detergent solution (200 ppm); or 70 to 95 percent ethyl or isopropyl alcohol.

(4) Metal implements and tools shall be disinfected by immersion in a solution of 70 to 95 percent ethyl or isopropyl alcohol.

*[For text of item K, subitems (5) to (7), see M.R. 1985]*

*[For text of items L to X, see M.R. 1985]*

Y. Current licenses of salon personnel shall be conspicuously posted in the reception area or in each licensee's assigned work station. The licensee's street address may be obliterated with tape, but name and town must remain unobstructed. If the license is at the reception area, the licensee's name shall be posted at the work station. The salon manager is responsible for assuring that all licenses are current and renewed.

Z. The current shop license shall be conspicuously posted in the reception area.

*[For text of items AA and BB, see M.R. 1985]*

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*

## 2640.4100 SPECIFIC TYPES OF SALON LICENSES.

*[For text of subps 1 to 3, see M.R. 1985]*

Subp. 4. [Repealed, 10 SR 474]

*[For text of subp 5, see M.R. 1985]*

Subp. 6. **Salons in private residences.** Salons may be established in private residences, if the following conditions are met:

*[For text of subp 6, items A to D, see M.R. 1985]*

E. If the primary residential toilet facilities are used for salon clients, they must comply with the standards in part 2640.3700, subpart 6.

*[For text of subp 7, see M.R. 1985]*

**Statutory Authority:** *MS s 155A.05*

**History:** *10 SR 474*