

CHAPTER 2644
DEPARTMENT OF COMMERCE
COSMETOLOGY; SCHOOLS

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UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2644.0010 DEFINITIONS.

[For text of subps 1 to 12, see M R]

Subp. 12a **Dispensary.** "Dispensary" means a physical location or area in a salon that is primarily where cosmetology supplies, products, or chemicals are prepared, measured, mixed, portioned, or disposed of

[For text of subps 13 to 17, see M R]

Subp 18 [Repealed, 22 SR 594]

[For text of subps 19 and 20, see M R]

Subp 21 [Repealed, 22 SR 594]

Statutory Authority: *MS s 45 023, 155A 05, 155A 08, 155A 09*

History: 22 SR 594

2644.0100 UNREGULATED SERVICES.

Subpart 1 **Disclosure.** All services not licensed as the practice of cosmetology offered within a school clinic shall be clearly identified as "unregulated services" and listed on a sign conspicuously posted in the reception area. The sign shall contain lettering at least one inch high and shall state "Unregulated services. The following services offered by (school name) are not regulated by the state of Minnesota"

[For text of subp 2, see M.R]

Statutory Authority: *MS s 45 023, 155A.05, 155A 08, 155A 09*

History: 22 SR 594

2644.0110 ADVERTISING.

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

A It is a violation of this chapter 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 school is licensed by the department

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

D No school advertisement stating licensure by the state of Minnesota shall include reference to any unregulated services

[For text of items E and F, see M R]

Statutory Authority: *MS s 45.023, 155A.05; 155A.08, 155A 09*

History: 22 SR 594

2644.0120 INSPECTIONS.

Subpart 1 [Repealed, 22 SR 594]

Subp 2 **Violations.** All violations cited by department staff shall be corrected within ten business days, and written notification of the correction shall be sent to the department within that time

Subp 3 **Business hours and location.** Each school owner shall provide the department with an accurate schedule of the hours that the school is open for business

Subp. 4 **Inspection requirements.** Each cosmetology school shall be subject to inspection at any time the commissioner deems it necessary to affirm compliance.

Subp 5 **Results.** Inspectors may discuss the results of the inspection at its conclusion, in private, with the school owner, manager, or a responsible person so designated in writing by the manager A written report shall also be given or sent to the school

Subp 6. **Report availability notice.** A five–inch by seven–inch notice shall be posted in the reception area stating in boldface letters “THIS SCHOOL HAS BEEN LICENSED AND INSPECTED BY THE STATE OF MINNESOTA A COPY OF THE MOST RECENT INSPECTION REPORT IS AVAILABLE FOR YOUR REVIEW UPON REQUEST”

Statutory Authority: *MS s 45 023, 155A 05; 155A 08, 155A.09*

History: 22 SR 594

2644.0150 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. [Repealed, 22 SR 594]

Subp 2 [Repealed, 22 SR 594]

Subp 3 [Repealed, 22 SR 594]

Subp 4 **Specific requirements for instructor.** In addition to the requirements of part 2642.0210, an applicant for an instructor’s license shall provide evidence of 38 hours of training comparable to the requirement of part 2644.0140, subpart 1, item B, and 1,400 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 45 023; 155A.05, 155A 08, 155A 09*

History: 22 SR 594

2644.0160 [Repealed, 22 SR 594]

2644.0170 [Repealed, 22 SR 594]

2644.0180 [Repealed, 22 SR 594]

2644.0190 REINSTATEMENT AFTER REVOCATION.

A school applicant may apply for relicensure after revocation by meeting the following requirements

A the applicant shall provide documentation of the correction or elimination of the grounds for the revocation,

B the applicant shall make application for relicensure, in writing and on forms provided by the department,

C the applicant shall pay the reinstatement fee and the license fee,

D the applicant shall meet the requirements for initial licensure,

E the applicant shall meet all of the requirements of parts 2644 0300 to 2644 0820, and

F. at least two years have expired from the effective date of the revocation.

Statutory Authority: *MS s 45.023, 155A 05, 155A.08; 155A 09*

History: 22 SR 594

SCHOOLS AND STUDENTS

2644.0300 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

[For text of subpart 1, see M R]

Subp 2 **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2642.0200, subpart 2, item B.

Subp 3 **Variations.** The commissioner may grant a variance from physical requirements to schools not otherwise exempted by this chapter upon receipt of documentation demonstrating an existing physical limitation or economic hardship in excess of reasonably anticipated costs of meeting the requirement.

Statutory Authority: *MS s 45.023, 155A.05, 155A.08, 155A.09*

History: 22 SR 594

2644.0330 SCHOOL LICENSE RENEWAL.

All of the following requirements shall be met in order to renew a license.

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

D The licensee shall provide a current and complete roster of manager and instructional staff, including license number and expiration date, employment status, and days and hours scheduled to work.

E The licensee shall pay the required license fee, before the expiration of the current license.

F The postmark date on the transmittal envelope of the renewal request and fee shall be determinative in ascertaining whether receipt was prior to the current license expiration date.

Statutory Authority: *MS s 45.023, 155A.05, 155A.08, 155A.09*

History: 22 SR 594

2644.0350 [Repealed, 22 SR 594]

2644.0360 DUPLICATE LICENSE.

A duplicate school license will be issued only upon the loss or destruction of the initial license. The licensee shall submit to the department an affidavit indicating why a duplicate license is required, and submit the required fee.

Statutory Authority: *MS s 45.023; 155A.05, 155A.08, 155A.09*

History: 22 SR 594

2644.0370 BASIC REQUIREMENTS FOR SCHOOLS.

Subpart 1 **Location.** No cosmetology instruction shall be given in any place other than a licensed school of cosmetology or as otherwise provided in this chapter.

[For text of subps 2 to 7, see M R.]

Statutory Authority: *MS s 45.023; 155A.05; 155A.08; 155A.09*

History: 22 SR 594

2644.0380 FACILITIES REQUIREMENTS FOR LICENSURE.

In addition to the requirements of parts 2644.0310 and 2644.0370, the requirements contained in parts 2642.0510, 2642.0600, 2642.0610, and 2644.0390 to 2644.0600 shall be met by the school before a license will be issued. Compliance with these requirements shall be confirmed by an inspection by the department. The license shall be issued after a satisfactory initial inspection.

Statutory Authority: *MS s 45.023, 155A.05, 155A.08, 155A.09*

History: 22 SR 594

2644.0400 FIXTURES, FURNITURE, EQUIPMENT.

A school shall meet the following minimum requirements

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[For text of item A, see M R]

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

[For text of items C to H, see M R]

I There shall be at least one shampoo bowl in good repair and operational for each six work stations. All shampoos must be given in a shampoo bowl that has plumbing that includes hot and cold water

J In addition, each school shall meet the fixture, furniture, and supply requirements for salons as designated in part 2642 0370, items B to G.

K There shall be locker space available for students requesting it.

Statutory Authority: *MS s 45 023; 155A 05; 155A 08, 155A 09*

History: 22 SR 594

2644.0410 SUPPLIES AND MATERIALS.

Subpart 1 **Basic supplies.** Basic supplies

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

C. The school shall supply at least one mannequin with hair for each cosmetology enrollee, and one mannequin without hair for each esthetician enrollee

[For text of subp 2, see M R]

Subp 3 **Instructional materials.** The school shall supply each enrollee with a copy of all textbooks to be used in the course of training, and copies of all other necessary instructional materials, including a copy of this chapter and Minnesota Statutes, chapter 155A Workbooks associated with the textbooks shall become the property of the student. The cost of these materials shall be clearly indicated to the student prior to enrollment, unless it is included in the tuition fee

[For text of subp 4, see M R]

Subp. 5 **Reference materials.** Reference materials shall be centrally located and made available to all students, including

A an American language dictionary,

B charts for basic anatomy (hair, skin, and nails),

C trade magazines and publications,

D a current copy of Minnesota Statutes and rules pertaining to the regulation of the practice of cosmetology, and

E copies of other related statutes and rules

Statutory Authority: *MS s 45 023; 155A 05, 155A 08, 155A.09*

History: 22 SR 594

2644.0510 COSMETOLOGIST TRAINING.

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

D There shall be planned clinical instruction and experience in the applied sciences Each student shall be required to complete the following minimum number of clinical exercises in column II Clinical exercises may be performed upon customers in the school clinic, fellow students, models, or mannequins in the classroom.

	Column I Hours	Column II Service Exercises
(1) shampooing	50	300
(2) scalp and hair conditioning	80	150
(3) hair design shaping	150	75
(4) chemical hair control (including 6 chemical relaxing exercises)	200	60
(5) hair coloring	100	50
(6) hair styling	200	300

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(7)	facials and makeup	200	60
(8)	manicures (including 10 applications of artificial nails, of which 3 are sculptured on the nail)	150	50
	skill hours	1130	
	related theory and lecture	420	
	total	1550	

[For text of items E and F, see M R]

Statutory Authority: *MS s 45 023, 155A 05, 155A 08, 155A 09*

History: 22 SR 594

OPERATIONAL REQUIREMENTS FOR SCHOOLS

2644.0600 RESPONSIBILITY.

It shall be the responsibility of the school owner and manager to ensure compliance with the requirements of parts 2644 0610 to 2644 0730

Statutory Authority: *MS s 45 023, 155A 05, 155A 08, 155A 09*

History: 22 SR 594

2644.0620 MANAGER.

A. There shall be a manager responsible for each school at all times. No manager may concurrently be responsible for more than one school. When the manager is not on duty, he or she shall specify a responsible person on the premises. The responsible person shall be an instructor licensed in accordance with this chapter.

B. The manager shall ensure that all personnel and students under his or her supervision comply with this chapter.

C. The manager shall ensure that no unlicensed instructor conducts any class, demonstration, or any other educational experience within the school except as allowed by this chapter and Minnesota Statutes, chapter 155A.

D. The manager shall ensure that all equipment required by this chapter is clean and maintained in proper working condition, that proper supplies are in stock at all times, and that safety, sanitation, and operational requirements are met by the school.

Statutory Authority: *MS s 45.023, 155A 05, 155A 08, 155A 09*

History: 22 SR 594

2644.0670 STUDENT RECORDS.

Student records shall be maintained as follows

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

E. The school shall maintain the following reports for each student

[For text of subitems (1) to (4), see M R]

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2644 0510, item D, 2644 0520, item D, subitem (1), and 2644 0530, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form acceptable to the department,

[For text of subitem (6), see M R]

Statutory Authority: *MS s 45 023, 155A 05, 155A 08, 155A.09*

History: 22 SR 594

2644.0730 PREENROLLMENT DISCLOSURES.

The following information shall be given to prospective students along with any materials designed to solicit their enrollment: minimum requirements for licensing in the fields in

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which the school offers instruction, tuition and all fees, the enrollment contract, refund policy, and student regulations. Prior to enrollment, written materials regarding refund policies must be discussed with and acknowledged as being understood by anyone enrolling in a cosmetology school. All written materials used to solicit prospective students shall comply with part 2644.0110. Copies of all solicitation materials shall be retained by the school for a period of five years from the last date of use.

Statutory Authority: *MS s 45 023, 155A 05, 155A 08, 155A 09*

History: *22 SR 594*

2644.0750 PENALTIES.

The commissioner may take action as authorized under Minnesota Statutes, chapter 45, against any licensee who has violated any law, rule, or order entrusted to the commissioner.

Statutory Authority: *MS s 45 023, 155A 05, 155A 08, 155A 09*

History: *22 SR 594*