

CHAPTER 2105
BOARD OF COSMETOLOGIST EXAMINERS
COSMETOLOGY; INDIVIDUALS AND SALONS

UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

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UNREGULATED SERVICES, ADVERTISING, AND INSPECTIONS

2105.0010 DEFINITIONS.

Subpart 1. **Scope.** For the purposes of this chapter, the terms defined in this part have the meanings given them, unless their context clearly requires otherwise.

Subp. 2. **Advertising.** "Advertising" means any written or graphic representation designed to elicit enrollment or the sale of goods or services and includes signs, displays, circulars, business cards, brochures, and recruitment materials in print, on air, or online.

Subp. 3. **Board.** "Board" means the Board of Cosmetologist Examiners.

Subp. 3a. **Chemical peel.** "Chemical peel" means a chemical exfoliation achieved by applying nonprescription chemical solutions or products.

Subp. 4. **Clean.** "Clean" means free from all soil, dirt, and debris, and washed with soap and water, or a cleaning agent, and rinsed.

Subp. 4a. **Compensation.** "Compensation" means a monetary or nonmonetary remuneration for services.

Subp. 4b. **Disinfect.** "Disinfect" means the use of an antimicrobial pesticide that eliminates harmful bacteria, fungi, and viruses on nonporous surfaces.

Subp. 4c. **Disinfectant.** "Disinfectant" means an antimicrobial pesticide that is registered with the Environmental Protection Agency for use in a hospital setting and is a bactericide, virucide, and fungicide.

Subp. 5. [Repealed, 41 SR 305]

Subp. 6. [Renumbered subp 4a]

Subp. 7. **Dispensary.** "Dispensary" means a physical location or area in a salon or school where products, chemicals, and disinfectants are prepared, measured, mixed, portioned, or disposed of, and where tools and implements are cleaned and disinfected.

Subp. 8. [Repealed, 41 SR 305]

Subp. 9. [Repealed, 41 SR 305]

Subp. 10. **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.

Subp. 10a. **Hair braider.** "Hair braider" means a person who offers to perform or performs hair braiding or hair braiding services as defined in subparts 10b and 10c.

Subp. 10b. **Hair braiding.** "Hair braiding" means a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominantly by hand and/or by simple braiding devices), and maintenance thereof. Hair braiding includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial, or religious forms of hair styles. Hair braiding includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and/or hair extensions. Hair braiding includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

Subp. 10c. **Hair braiding services.** "Hair braiding services" means offering to perform or performing hair braiding, as defined in subpart 10b, as a service to members of the public for a fee or other consideration.

Subp. 10c. [Renumbered subp 10a]

Subp. 10d. **Hazardous.** "Hazardous" means a hazardous substance or harmful physical agent as defined under part 5206.1500, subpart 6, or any substance defined as hazardous in Code of Federal Regulations, title 29, part 1910.1200.

Subp. 10e. **Homebound.** "Homebound" means an individual lacks the physical or intellectual capacity for independent transportation and is unable to travel independently to a licensed salon.

Subp. 11. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and includes services provided by cosmetologists, estheticians, and nail technicians. The definition of "cosmetology" in Minnesota Statutes, section 155A.23, subdivision 3, must be construed to not prohibit or regulate hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c.

Subp. 11a. **Microdermabrasion.** "Microdermabrasion" means a cosmetic procedure using mechanical or manual means of light abrasion on the skin.

Subp. 11b. **Mobile structure.** "Mobile structure" means a trailer or other enclosed space towed by a vehicle. A mobile structure does not include a manufactured home as defined in Minnesota Statutes, section 327.31, subdivision 6.

Subp. 11c. **Nursing home.** "Nursing home" means a facility that is licensed under Minnesota Statutes, chapter 144A, and does not include any attached or adjacent facilities that are not licensed as a nursing home under Minnesota Statutes, chapter 144A.

Subp. 11d. **Operator.** "Operator" means a standard license for a cosmetologist, esthetician, or nail technician and not an advanced practice license or manager license.

Subp. 11e. **Physical location.** "Physical location" means the contiguous space representing each salon that can be accessed by customers without exiting the salon.

Subp. 11f. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

Subp. 11g. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. 11h. **Special event.** "Special event" means an event held for any purpose other than the provision of licensed services, where a participant in the event may receive the limited cosmetology services described in part 2105.0410, subpart 2, at a location not in a licensed salon.

Subp. 12. [Repealed, 41 SR 305]

Subp. 12a. **Suite-style salon.** "Suite-style salon" means a business under part 2105.0397 specializing in leasing or renting individual rooms or suites to licensees, where the salon license may be carried by the business or where each suite has its own salon license.

Subp. 13. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and which are exempt from regulation by the board. Unregulated services are ear piercing; body art; body painting; henna tattoos and permanent tattoos; eyebrow embroidery; eyebrow microblading; permanent hair removal; permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions or media appearances; mortuary services; massage; body wraps when performed by a massage therapist; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Subp. 14. **Work area.** "Work area" means a space where cosmetology, esthetician, or nail services are provided. A separate work area is created when the service area is partitioned from other salon spaces or work areas by walls at least six feet high and doorways of less than five feet in width.

Statutory Authority: *MS s 45.023; 154.22; 154.24; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30; L 2014 c 169 s 4; L 2015 c 77 art 2 s 81*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; 30 SR 1248; L 2009 c 78 art 6 s 26; 39 SR 393; 41 SR 305; 41 SR 1087*

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2105.0100 [Repealed, 41 SR 305]

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2105.0105 SCOPE.

Subpart 1. **Cosmetology.** The practice of cosmetology includes the services defined under Minnesota Statutes, section 155A.23, subdivision 3, and includes all esthetic services in subpart 2 and all nail services in subpart 3. Cosmetology practice includes:

- A. shampooing, conditioning, cutting, clipping, coloring, dressing, processing, shaping, straightening, bleaching, tinting, styling, blow-drying, or waving a person's hair, eyebrows, or eyelashes;
- B. styling, cutting, and coloring wigs when on a person's head;
- C. cleansing, massaging, and stimulating the scalp;
- D. using a razor to remove hair from the head, face, and neck; and
- E. other personal services for the cosmetic care of the hair, head, and scalp.

Subp. 2. **Esthetics.** The practice of esthiology is the cosmetic treatment of the stratum corneum of the epidermal layer of the skin surface. Esthetic practice includes:

- A. cleansing, stimulating, exfoliating, or massaging a person's scalp, face, neck, arms, legs, or trunk by hand or by using a device, apparatus, or appliance, with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;
- B. cosmetic care of a person's face, eyelashes, eyebrows, lips, nose, neck, arms, legs, or trunk using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, gels, paraffin, clay, cream, makeup, or appliance;
- C. removing hair from a person's body using depilatories, waxes, preparations, sugaring, or tweezing;
- D. application of makeup or airbrush makeup, extractions, microdermabrasion, chemical peels, eyelash and eyebrow tinting, eyebrow shaping and trimming, eyelash and eyebrow enhancements, waxing, sugaring, facials, and body wraps; and
- E. other personal services for the cosmetic care of the skin.

Subp. 3. **Nail technician services.** The practice of nail technology is the cosmetic care of the hands, feet, and nails. Nail technology includes:

- A. cleansing, removing polish, cutting, trimming, polishing, tinting, coloring, or manicuring the fingernails or toenails;
- B. attaching and removing acrylic, other artificial nails, or nail enhancements;
- C. cleansing, massaging, and cosmetic care of the skin of the hands and feet including paraffin treatments;

D. callus removal by the use of callus removal products, sanding, buffing, or filing;

E. massaging the hands, feet, and lower arms and legs in conjunction with any practice described in items A to F; and

F. other personal services for the cosmetic care of the hands, feet, and nails.

Nail technician services do not include waxing, eyelash or eyebrow enhancements, or any other esthetician service.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

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2105.0110 ADVERTISING.

The following provisions govern all advertising relating to the practice of cosmetology:

A. It is a violation of this chapter to advertise or offer any board-regulated services from an unlicensed salon or an unlicensed practitioner.

B. Any salon advertisement must list the licensed name of the salon as shown on the salon license. Franchise and corporations using a common brand name in advertisements related to multiple locations may use the common brand name instead of the full assumed name listed on the salon license. Salons that reference staff names in any advertisement must list at least the first name of the licensee as shown on the individual's license.

C. An individual practitioner advertising the practitioner's licensed services must list the full name as shown on the individual's license.

D. A practitioner leasing space in a licensed salon may advertise under a business name if the full name of the practitioner as shown on the practitioner's license is listed. If the practitioner's full name is not listed, wherever the business name appears, it must be immediately followed by "at (insert legible name of salon as it appears on the salon license)."

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *L 1983 c 289 s 114 subd 1; L 1984 c 655 art 1 s 92; 10 SR 474; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

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2105.0115 INSPECTIONS.

Subpart 1. **Protocol.** Each salon and each permit holder under part 2105.0410 is subject to inspection at any time the board deems it necessary to affirm compliance.

A. All licensees, including salons open by appointment only and salons with irregular hours, must allow a board inspector, in the exercise of official duties, to inspect the salon on the inspector's arrival at the salon.

B. A salon owner and designated licensed salon manager (DLSM) must cooperate if asked by board inspectors to arrange inspection appointments.

C. A salon owner and DLSM must have access to all salon space, including leased space within the salon, and must provide access to all salon spaces to a board inspector.

D. All salon staff, including the owner, DLSM, other licensees, and unlicensed support staff, must cooperate with the inspection.

E. Board inspectors must carry board-issued photo identification and produce it upon request.

Subp. 2. Violations and orders to comply.

A. The board must notify salons and permit holders under part 2105.0410 with a written inspection report when any violation is found during a board inspection. The salon licensee and DLSM, or the permit holder under part 2105.0410, must take immediate action to address each violation and, within ten business days, bring the salon and all licensees practicing under the salon license, or the permit holder, into compliance with this chapter, chapter 2140, and Minnesota Statutes, chapter 155A.

B. If an order to comply is issued by the board inspector, the salon and DLSM, or the permit holder under part 2105.0410, must report to the board via mail or e-mail, within ten business days of the order's issuance, using a form provided by the board. The report must:

- (1) explain how each violation was corrected and the date of correction; and
- (2) for each violation that was not immediately corrected or not corrected within ten days, provide a written explanation of the reason for the delay, the specific steps the licensee will take to correct the violation, and the projected date the outstanding violation will be corrected. The board must grant an extension if requested in writing when the health and safety of the public is not at immediate risk, and when the delay is warranted based on the information provided by the salon or permit holder.

Subp. 3. Posting inspection results. The board must provide each salon with the inspection results and a detailed inspection report on the inspection findings. Within ten business days of the issuance date on the results and report, the salon must conspicuously post the inspection results in the entryway or at the reception desk of the salon, and place the detailed inspection report in the reception area so that the public may review the results. The inspection results must remain posted and the detailed inspection report must remain available in the reception area or entryway until replaced by new inspection results and a new detailed inspection report. Permit holders under part 2105.0410 are not subject to the posting requirements in this subdivision.

Subp. 4. **Inspection penalties and discipline.**

A. Violations of this chapter, chapter 2110, and Minnesota Statutes, chapter 155A, cited on a board inspection, are subject to:

- (1) application of penalties prescribed in Minnesota Statutes, section 155A.25; and
- (2) disciplinary action as identified in Minnesota Statutes, section 155A.33.

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (4) cited during a board inspection of a salon or permit holder except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A salon is subject to penalty for violations cited during a salon inspection for:

- (a) each expired practitioner's license;
- (b) each expired salon license;
- (c) each current license of a practitioner or salon not conspicuously displayed;
- (d) esthetician or cosmetology services performed or offered in a nail salon;
- (e) cosmetology or nail services performed or offered in an esthetician salon;
- (f) reuse of or failure to dispose of single-use items immediately after use;
- (g) the presence of prohibited callus shavers, graters, or rasps; and
- (h) refusal or failure to cooperate with an inspection.

(2) A DLSM is subject to penalty for violations cited during inspection for:

- (a) each expired practitioner's license, including the DLSM;
- (b) each expired salon license;
- (c) each current license of a practitioner or salon not conspicuously displayed;
- (d) esthetician or cosmetology services performed or offered in a nail salon;
- (e) cosmetology or nail services performed or offered in an esthetician salon;
- (f) reuse of or failure to dispose of single-use items immediately after use;
- (g) the presence of prohibited callus shavers, graters, or rasps; and
- (h) the DLSM's refusal or failure to cooperate with an inspection.

(3) An individual practitioner is subject to penalty for violations cited during a salon inspection for:

- (a) the practitioner's expired license;

(b) the practitioner's current license not conspicuously displayed, if a current license is held;

(c) esthetician or cosmetology services performed or offered in a nail salon;

(d) cosmetology or nail services performed or offered in an esthetician salon;

(e) reuse of or failure to dispose of single-use items immediately after use;

(f) the presence of prohibited callus shavers, graters, or rasps; and

(g) the practitioner's refusal or failure to cooperate with an inspection.

(4) A permit holder under part 2105.0410 is subject to violations cited during a permit inspection for:

(a) the practitioner's expired license;

(b) the practitioner's refusal or failure to cooperate with an inspection; and

(c) reuse of or failure to dispose of single-use items immediately after use.

Subp. 5. **Application of inspection penalties.** The maximum total penalties for all violations cited per license per inspection must not exceed:

A. \$3,000 for each salon license;

B. \$2,000 for the DLSM per salon license; and

C. \$1,000 for each individual practitioner per license or permit.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

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2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.

Subpart 1. **Cosmetologists, nail technicians, and estheticians.** Applicants for a cosmetologist, nail technician, or esthetician license who have not been licensed in other states must provide the items required in items A to E:

A. a completed application form;

B. a high school diploma, a high school transcript showing graduation, a commissioner of education-selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

C. original passing test results no more than one year old of the following board-approved tests for the license sought:

- (1) general theory test;
- (2) written practical test; and
- (3) test on Minnesota laws and rules;

D. proof of completion of training as follows:

(1) graduates of a Minnesota-licensed cosmetology school must submit the original course certificate with the notarized signatures of the school manager or owner documenting the successful completion of the curriculum and the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, including any hours transferred from another school within the past three years. If the completed training is more than five years old, a skills course certificate no more than one year old must also be submitted;

(2) a graduate of a training program licensed by another state that is:

(a) equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or nail technician program must submit an original notarized transcript or document from a licensed cosmetology school that establishes the completion of the curriculum and required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, including any hours transferred from another school within the past five years. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; and

(b) not equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, or nail technician program must obtain a course certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0700 and must meet and complete the school's requirements. The applicant must then submit the original course certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted;

(3) an applicant who partially completed a training program licensed by another state, or who completed an unlicensed training program in another state, must obtain a course certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0700 and must meet and complete the school's requirements. The applicant must then submit the original course certificate with the notarized signatures of the school manager or owner, documenting

successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; or

(4) applicants whose training occurred in other countries must apply under part 2105.0183, subpart 3; and

E. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Salon managers.** An applicant for a salon manager license must:

A. submit a completed application form;

B. hold a current Minnesota cosmetologist, esthetician, or nail technician license;

C. document at least 2,700 work hours of licensed experience in a licensed salon within the three years prior to application;

D. submit original passing test results of the salon manager test no more than one year old; and

E. pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 3. **School managers.** An applicant for a school manager license must:

A. submit a completed application form;

B. hold a current Minnesota cosmetology salon manager license;

C. submit original passing results no more than one year old of the school manager test covering Minnesota laws and rules related to schools; and

D. pay the fees identified in Minnesota Statutes, section 155A.25.

Subp. 4. **Instructors.** An applicant for an instructor license must:

A. submit a completed application form;

B. hold a current Minnesota cosmetologist, nail technician, or esthetician license as an operator or manager;

C. document at least 2,700 hours of licensed practice as a cosmetologist, nail technician, or esthetician within the three years prior to application;

D. submit the original course certificate of a board-approved instructor course on teaching methodology not more than one year old;

E. submit original passing instructor test results not more than one year old for the instructor general theory, practical, and laws and rules tests; and

F. pay the fees required in Minnesota Statutes, section 155A.25.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305; L 2017 1Sp5 art 10 s 7*

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2105.0180 [Repealed, 41 SR 305]

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2105.0183 TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.

Subpart 1. **Applicants with required training who are licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license who have completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and are licensed in another state must provide the following:

A. a completed application form;

B. certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has been licensed. A license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed a general theory and practical test. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form;

C. if the out-of-state license is not current and active, an original board-approved skills course certificate no more than one year old;

D. a high school diploma or transcript showing graduation, a commissioner of education-selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

E. original passing test results no more than one year old of a board-approved general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory does not have to be retaken;

F. original passing test results no more than one year old of a board-approved written practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the written practical test does not have to be retaken;

G. original passing test results of the Minnesota state laws and rules test no more than one year old; and

H. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Applicants with less than the required training who are licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license who have not completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; and 350 hours for a nail technician, and who are licensed in another state must provide the following:

A. a completed application form;

B. evidence of a current active license for at least three years in another state, or an original course certificate from a Minnesota-licensed cosmetology school no more than one year old with notarized signatures of the school manager or owner documenting the completion as a transfer student under part 2110.0705 of additional training hours and the practical skills test;

C. certification of licensure no more than 90 days old sent directly to the board from each state where the applicant has been licensed. The license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed a general theory and practical test. If a state does not issue license certifications, the applicant must submit a copy of the most recent license and a completed supplemental verification form;

D. if the out-of-state license is not current and active, the applicant must provide an original board-approved skills course certificate no more than one year old;

E. a high school diploma or transcript showing graduation, a commissioner of education-selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

F. original passing test results no more than one year old of a board-approved general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory does not have to be retaken;

G. original passing test results no more than one year old of a board-approved written practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the written practical test does not have to be retaken;

H. original passing test results no more than one year old of the Minnesota state laws and rules test; and

I. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 3. **Applicants with training and experience in another country who have not been licensed in another state.** Applicants for a cosmetologist, nail technician, or esthetician operator license whose training was outside the United States and have not been licensed by another state must:

A. apply to a board-licensed school as a transfer student for an evaluation of training, school records, and work experience under part 2110.0705, rectify any deficiencies noted in the evaluation results, and provide the original course completion certificate; and

B. complete an application and submit the following items:

(1) a high school diploma or transcript showing graduation, a commissioner of education-selected high school equivalency certification, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(2) original passing test results of a board-approved general theory test no more than one year old;

(3) original passing test results of a board-approved written practical test no more than one year old;

(4) original passing test results of the Minnesota state laws and rules test no more than one year old; and

(5) payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 4. **Applicants with an instructor license from another state.** Applicants who hold a current instructor license issued from another state may apply for an instructor license. Applicants must provide the following:

A. a completed application form;

B. a current Minnesota cosmetologist, esthetician, nail technician, or salon manager license;

C. documentation of at least 2,700 hours of licensed practice as a cosmetologist, esthetician, nail technician, or instructor within the three years prior to the application;

D. certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has held an instructor license. An instructor license certification must verify the current status and history of license, discipline history, hours of training, and whether or not the instructor has passed an instructor general theory test and an instructor practical test. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form;

E. an original course certificate of a board-approved instructor course not more than one year old. If a certification of licensure from a state where the applicant holds a current instructor license attests that the applicant successfully completed comparable instructor training, this requirement is met and the instructor course does not have to be retaken;

F. original passing test results no more than one year old of a board-approved instructor general theory test. If a certification of licensure from a state where the applicant holds a current instructor license attests that the applicant passed a comparable instructor theory test, this requirement is met and the instructor theory test does not have to be retaken;

G. original passing test results no more than one year old of a board-approved instructor practical test. If a certification of licensure from a state where the applicant holds a current instructor license attests that the applicant has passed such a test, this requirement is met and the instructor practical test does not have to be retaken;

H. original passing test results of the Minnesota instructor laws and rules test no more than one year old; and

I. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 5. **Foreign documents.** All foreign documents from another country, including records in English, must be evaluated by a board-approved credentialing agency at the applicant's expense.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305; L 2017 1Sp5 art 10 s 7*

Published Electronically: *August 21, 2017*

2105.0184 MILITARY TEMPORARY LICENSE.

Subpart 1. **Application and issuance.** In compliance with Minnesota Statutes, section 197.4552, the board shall issue military temporary (MT) licenses for cosmetologists, estheticians, nail technicians, salon managers, instructors, and school managers valid for a 12-month license cycle. An applicant for an MT license must submit:

A. a completed application for an MT license;

B. credentials establishing the applicant's identity as:

(1) an active duty military member;

(2) the spouse of an active duty military member; or

(3) a veteran with an honorable or general discharge who left service in the two years preceding the application date;

C. a copy of a current valid license without a history of discipline for a cosmetologist, esthetician, nail technician, salon manager, school manager, or instructor from another state; and

D. payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Ineligible for renewal.** MT licenses are not eligible for renewal. Individuals issued an MT license must apply for a full practitioner's license under this chapter. If the individual has not been issued a regular license before the MT license expires, the individual must cease practicing until a license is issued.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0185 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2105.0186 CONTINUING EDUCATION (CE) PROVIDERS.

Subpart 1. Providers of core CE courses for practitioners.

A. A core CE course required by Minnesota Statutes, section 155A.271, subdivision 1, consists of a four-hour course, including one hour on state cosmetology laws and rules, and three hours on health, safety, and infection control.

B. A core CE course requires board approval, and must be offered only by a board-licensed cosmetology school, postsecondary school licensed by the Office of Higher Education under Minnesota Statutes, section 136A.103, paragraph (a), or a professional association recognized by the board under item C.

C. A professional association must apply for board recognition to offer core CE courses in writing on forms supplied by the board. Board recognition is valid for a maximum of one calendar year and expires on December 31 of the year authorization was granted.

D. A cosmetology school, a postsecondary school, or a board-authorized professional association must apply for approval of the core CE curriculum on a form supplied by the board, and submit the lesson plan and learning objectives, qualifications of the presenters and course developers, and payment of the fees required by Minnesota Statutes, section 155A.25, if the provider approval fee has not been paid in the current calendar year.

E. Board approval of a core CE course under this subpart is valid for a maximum of one calendar year and expires on December 31 of the year approval was granted.

F. The board shall maintain a list of approved core CE courses on the board's Web site.

Subp. 2. Providers of professional practice CE courses for practitioners.

A. A professional practice CE course as required by Minnesota Statutes, section 155A.271, subdivision 1, paragraph (b), must consist of a four-hour course based on any or all of the following within the licensee's scope of practice:

- (1) product chemistry and chemical interaction;
- (2) proper use of machines and instruments;
- (3) business management, professional ethics, and human relations; or
- (4) techniques relevant to the type of license held.

B. A professional practice CE course requires board approval and may be offered only by licensed salons, licensed cosmetology schools, and board-recognized professional associations.

(1) A salon must offer the professional practice CEs as approved in-person classes. A salon must apply for approval of the professional practice curriculum in writing on forms supplied by the board, and must submit the lesson plan and course objectives; qualifications of the presenters

and course developers; and payment of the fees required by Minnesota Statutes, section 155A.25, if the salon has not paid the provider approval fee in the current calendar year.

(2) A cosmetology school and a board-recognized professional association may offer the professional practice CEs in person or online and must apply for approval of the professional practice curriculum in writing on forms supplied by the board and submit the lesson plan and course objectives, qualifications of the presenters and course developers, and payment of the fees required by Minnesota Statutes, section 155A.25, if the provider approval fee has not been paid in the current calendar year.

(3) A professional association must apply for board recognition in writing on forms supplied by the board. Board recognition is valid for one calendar year and expires on December 31 of the year recognition was granted.

C. Board approval of a professional practice CE course is valid for a maximum of one calendar year and expires on December 31 of the year approval was granted.

D. The board shall maintain a list of approved professional practice CE courses on the board's Web site.

Subp. 3. **Providers of instructor CE courses.** Instructor license renewal requires 30 CE hours of board-approved courses on teaching methodology and 15 CE hours on clinical practice in the instructor's licensed field.

A. Cosmetology schools, postsecondary schools, professional associations, subject matter experts, or salons may offer instructor CEs in person or as online classes.

B. A course provider under item A must apply for course approval for each CE course on a form supplied by the board, and submit the lesson plan or syllabus, course objectives, qualifications of the presenters and course developers, and payment of the fees required by Minnesota Statutes, section 155A.25, if the provider has not paid the provider approval fee in the current calendar year.

C. Board approval of an instructor CE course is valid for one calendar year and expires on December 31 of the year approval was granted.

D. The board shall maintain a list of approved instructor CE courses on the board's Web site.

E. Courses on teaching methodology or clinical practice provided by a Minnesota State Colleges and Universities (MnSCU) community college, state university, or technical college, or any postsecondary school licensed by the Office of Higher Education, are not subject to preapproval by the board. This provision does not apply to board-licensed cosmetology schools. All board-licensed cosmetology schools are subject to the provisions of items A to C.

Subp. 4. **Providers of school manager CE courses.** A school manager license renewal requires four hours of CE courses or seminars on business practices or school management. Providers of school manager CE courses are not subject to board approval or the requirements of subpart 6. No approval fee is required.

Subp. 5. **CE course hours.** For the purposes of this part, a CE credit hour must consist of 55 minutes of continuous instructional activity, excluding breaks, registration, meals, and other noneducational activity. The number of credit hours assigned to an online course must be computed by the course developer based on the average time to complete the course. The board must accept or approve CE courses in full-hour increments.

Subp. 6. **Records requirements for CE course providers.** A course provider must retain records of each attendee, including the attendee's full name and license number, the date of the course, the course title or course number, and the instructor's name for five years. Course providers must respond within 15 business days of the board's request for verification of whether an individual attended and completed a CE course. This subpart does not apply to CE courses offered by MnSCU, the University of Minnesota, or any postsecondary school licensed by the Office of Higher Education and not licensed by the board.

Subp. 7. **Audit provisions for CE courses and providers.** The board is authorized to audit a CE course at any time. A course provider must allow board staff to attend a CE course at any time and without cost for the purposes of auditing the course. Board approval of a CE course and board authorization of a provider is subject to revocation if a provider is not in compliance with this part or Minnesota Statutes, section 155A.271, or if the board determines a CE class offered by the provider does not reflect current professional standards or practices, or if the board finds just cause. The disciplinary provisions of Minnesota Statutes, section 155A.33, apply. This subpart does not apply to CE courses offered by MnSCU, the University of Minnesota, or any postsecondary school licensed by the Office of Higher Education and not licensed by the board.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0187 SKILLS COURSES.

A. A cosmetologist skills course, esthetician skills course, or nail technician skills course must be offered in person, taught by an instructor licensed in the course subject, and:

- (1) if offered by a licensed cosmetology school, does not require board approval; or
- (2) if offered by a provider who is not a licensed cosmetology school, requires approval under item D.

B. Each skills course must begin with an initial board-approved skills test. The provider must use board-approved scoring of the skills test and a board skills test form.

(1) Attendees who pass the skills test have completed the skills course. The provider must issue a signed and dated skills course certificate to the attendee.

(2) Attendees who do not pass the initial skills test must complete the provider's skills course curriculum for each skill test area not passed. The attendee has completed the skills course when the attendee passes the skills test.

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor. Estheticians must attend an esthetician skills course taught by an esthetician or cosmetologist instructor. Nail technicians must attend a skills course taught by a cosmetologist or nail technician instructor.

D. A skills course not offered by a licensed cosmetology school requires board approval and must be taught by board-licensed instructors. A provider must apply for skills course approval, and for each type of license, the provider must:

- (1) provide the skills course curriculum for each skills practical test exercise;
- (2) provide copies of any course study materials, handouts, and instructions to participants;
- (3) list the name, license type, license expiration date, and license number of each instructor, and the date the instructor completed the required training on administering the skills test; and
- (4) identify the proposed skills course location and demonstrate the availability of the equipment available at that location for the course and for each skills practical test exercise.

E. Course approval for the skills course is valid for a maximum of one calendar year and expires on December 31 of the year approval was granted.

F. A provider of skills courses must provide attendees with a skills course certificate showing successful completion of the skills test, and must retain records of attendees for five years.

G. The board is authorized to audit a skills course and skills test at any time, and board staff or a representative may take a skills class at any time at no cost for the purposes of auditing the course. Board approval of a skills course is subject to revocation if the board determines a skills course or skills test does not reflect current professional standards or practices, or if the board finds just cause. The disciplinary provisions of Minnesota Statutes, section 155A.33, apply.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0190 MAINTAINING INDIVIDUAL LICENSES.

Subpart 1. **Compliance with applicable law.** The licensee is responsible for verifying that the salon or school in which the licensee is practicing has a current license, and the licensee must continuously comply with all applicable provisions of Minnesota Statutes and rules.

Subp. 2. **Change of name.** Within 30 days of any legal name change, licensees must provide legal documentation of the name change and pay any fee required by Minnesota Statutes, section 155A.25. The license in the former name is invalid on the 31st day of the new legal name.

Subp. 2a. **Address change.** The licensee must maintain a current mail address on file with the board, and must update the address within 30 days of any address change. Licensees may also provide an e-mail address to receive general e-mail notifications from the board.

Subp. 3. **Renewal.** The licensee must renew the license as required by part 2105.0200.

Subp. 4. **Display of license.** The practitioner must conspicuously post a current license at each salon where the practitioner practices. The conditions in items A to D must be met at all times.

A. Either the license or the full name of the licensee as shown on the license must be posted at each workstation in the salon used by the licensee. Name tags worn by the licensee or business cards prominently displayed at a workstation meet this requirement if the full name shown on the license is used.

B. Whenever the license is not posted at the workstation, the practitioner must post a license at the reception area of the salon.

C. Copies of licenses do not meet the requirements of license posting. Licensees must obtain duplicate licenses from the board in order to post licenses at multiple workstations or multiple salons. After a license is issued by the board, a printout of the online license status from the board Web site showing a current license may be used to meet the posting requirements for a maximum of 30 days beginning on the license issuance date.

D. Names or licenses posted must provide the public with a full, unobstructed view of the license or name.

Subp. 5. [Repealed, 41 SR 305]

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

Published Electronically: *September 13, 2016*

2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.

Subpart 1. **Application for renewal of license.** All licenses expire on the last day of the individual's birth month of the year due and each licensee is responsible for applying to renew the license without notice from the board. If more than one year has passed since the expiration date of the license, the license is not eligible for renewal under this section, and the requirements of part 2105.0215 apply.

A. The board must return incomplete renewal applications to the applicant with notice of the items that are incomplete.

B. The applicant must pay late fees required by Minnesota Statutes, section 155A.25, if a license renewal application or a resubmitted application is received after the expiration date of the license.

C. A licensee whose renewed license has not been issued by the board by the end of the business day on the licensee's expiration date is not authorized to practice after the expiration date until a license is issued, and any unlicensed practice after the expiration date is subject to the inspection penalties in part 2105.0115 and disciplinary provisions as described in Minnesota Statutes, section 155A.33.

Subp. 2. **Continuing education (CE) requirements for practitioners.** The licensee must complete the following CE requirements before applying to renew a license:

A. A cosmetologist, nail technician, esthetician, or salon manager renewing a license before August 1, 2017, must complete a total of four hours of core CE credits consisting of one hour of state cosmetology laws and rules, and three hours of health, safety, and infection control matters from board-approved providers within the three years prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5.

B. A cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager renewing a license on or after August 1, 2017, must complete a total of eight hours of CE credits from board-approved providers within the three years prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5. The eight hours must consist of:

(1) four hours of core CEs, consisting of one hour pertaining to state cosmetology laws and rules, and three hours related to health, safety, and infection control matters; and

(2) four hours of professional practice CEs, consisting of one or more of the following topics within the licensee's scope of practice:

- (a) product chemistry and chemical interaction;
- (b) proper use of machines and instruments;
- (c) business management, professional ethics, and human relations; or
- (d) techniques relevant to the type of license held by the practitioner.

C. The CE credits are valid for only one license renewal period, but may be applied to multiple licenses held by the same practitioner if the CEs were completed within three years prior to the license renewal date.

Subp. 2a. **CE and other renewal requirements for instructors.**

A. An instructor must complete 45 hours of board-approved CEs within three years before the license renewal, including at least 30 hours in teaching methodology and 15 hours on clinical practice in the field of licensure. Licensees must retain proof of the CE credits as required in subpart 5. Prior to August 1, 2017, to renew a license, an instructor must complete any combination of board-approved teaching methodology and clinical practice CEs totaling 45 CE hours.

B. In addition to any board-approved instructor CE course, an instructor may use qualifying credits from completed classes on teaching methods or clinical practice from the MnSCU system

schools, the University of Minnesota, or other postsecondary schools licensed by the Office of Higher Education but not licensed by the board. Preapproval of such courses is not required. The instructor must retain an official transcript and the class syllabus or catalog course description, which must establish the class hours and establish that the content of the course is based on teaching methodology or clinical practice. Postsecondary courses are equivalent to 16 CE hours per credit and lab courses are equivalent to 32 CE hours per credit. CEUs earned are accepted as one CE hour per CEU credit.

C. Instructors teaching approved instructor CE courses may apply CE hours from the courses to the instructor's license renewal if the CE hours are claimed only once per course, and are not used again on future renewals.

D. Instructors teaching approved core and professional practice CEs may apply the CE hours from the courses on the instructor's operator or salon manager license renewal if the CE hours are claimed only once per course, and are not used again on future renewals.

E. The instructor may apply a maximum of 15 CE hours from instructor CE classes taught by the instructor each renewal period.

F. Instructor CEs are valid for only one license renewal.

G. To renew an instructor's license, the instructor must hold an active operator or salon manager license in the area in which the instructor holds an instructor's license.

H. When a course has been approved by the board as both a professional practice CE course and as an instructor clinical practice CE course, licensees may apply the CEs earned from the course to the renewal of both the instructor license and the practitioner license.

Subp. 2b. CE and other renewal requirements for school managers.

A. A school manager renewing a license on or after August 1, 2017, must complete a CE class or seminar in business practices of at least four hours, no more than three years prior to the renewal application, and retain proof of completion as required in subpart 5.

B. To renew the school manager's license, a school manager must hold an active cosmetology salon manager's license.

C. School manager CEs are valid for only one license renewal.

D. A school manager may apply four CEs from an approved professional practice CE course on business management to the renewal of both the underlying salon manager license and the school manager license.

Subp. 3. **Fee.** The licensee must pay the fees as required by Minnesota Statutes, section 155A.25.

Subp. 4. [Repealed, 41 SR 305]

Subp. 5. Audit of renewal.

A. Fraudulent reporting of qualifications or CE credits is subject to penalties and discipline, including revocation of the license, as provided in Minnesota Statutes, sections 155A.271 and 155A.33.

B. A licensee must maintain proof of CE credits for four years after the date of the class. If the renewal is audited by the board, the licensee must provide proof of requested items within 30 days of the board's request.

C. If the renewal is audited by the board, the licensee must provide proof of requested items within 30 days of the board's request. When a licensee fails to respond or does not provide proof as requested in an audit, and the board cannot verify the licensee's CEs through the provider identified by the licensee, the board must rescind the renewal that was based on the unverified credits. The licensee is subject to discipline as identified in item A, and the licensee may not practice until a new license is issued. To renew the license, in addition to any disciplinary requirements and penalties, the licensee must complete and provide verification from the CE providers that the licensee completed the CE requirements.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 35 SR 801; L 2013 c 85 art 5 s 49; 38 SR 778; L2015 c 77 art 2 s 87; 41 SR 305*

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2105.0205 RETIRED LICENSE.

A licensee with a current or expired Minnesota practitioner license who has ceased all practice of cosmetology may apply for a retired license that does not allow any practice of cosmetology as defined in Minnesota Statutes, section 155A.23, subdivision 3. The board must void any current license when a retired license is issued for the remainder of the license cycle. If the practitioner's license is expired, the applicant must pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

A. Retired licenses expire on the three-year license cycle and may be renewed by paying the fees required by Minnesota Statutes, section 155A.25.

B. A person with a retired license who wishes to obtain a current practitioner license must apply to renew the original expired practitioner license under the terms of this chapter as if no retired license was issued. If the retired license is current and has not expired, no new renewal fee is required.

C. The board must issue a retired license to all current inactive licensees no later than July 1, 2018.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: 41 SR 305

Published Electronically: September 13, 2016

2105.0210 [Repealed, 41 SR 305]

Published Electronically: September 13, 2016

2105.0215 PROCEDURE FOR RENEWING AN EXPIRED LICENSE.

Subpart 1. **Practitioner licenses expired less than three years.** If an operator's, salon manager's, instructor's, or school manager's license has been expired less than three years, a license must be issued for the remainder of the license cycle. To renew the license, the individual must:

- A. comply with the requirements of part 2105.0200 for the appropriate license; and
- B. pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Operator and salon manager licenses expired three years or more.** If an operator's or salon manager's license has been expired three years or more, a license with a new license cycle shall be issued by the board when the expired licensee submits a renewal application and submit:

- A. original passing test results no more than one year old of the laws and rules test for an operator. Managers must submit original passing test results no more than one year old of the manager laws and rules test;
- B. original passing test results no more than one year old of a board-approved written practical exam; and
- C. payment of the initial license fees required by Minnesota Statutes, section 155A.25.

Subp. 3. **Instructor licenses expired three years or more.** If an instructor's license has been expired three years or more, the board shall issue a license with a new license cycle when the expired licensee submits a renewal application and meets these requirements:

- A. holds a current operator's or salon manager's license;
- B. submits original passing test results of a board-approved instructor general theory test, instructor practical test, and instructor laws and rules test no more than one year old; and
- C. pays the instructor application fees required by Minnesota Statutes, section 155A.25.

Subp. 4. **School manager licenses expired three years or more.** If a school manager's license has been expired three years or more, a license with a new license cycle shall be issued by the board when the expired licensee submits a renewal application and:

- A. holds a current cosmetology salon manager's license;
- B. submits original passing test results no more than one year old of the school manager test; and
- C. pays the initial license fees required by Minnesota Statutes, section 155A.25.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0220 REINSTATEMENT AFTER REVOCATION OR SUSPENSION.

A. A licensee whose license was suspended or revoked by the board under Minnesota Statutes, chapter 155A, must reapply for licensure as follows:

- (1) apply for relicensure on forms provided by the board;
- (2) meet the requirements for reinstatement identified in the order revoking or suspending the license, and meet any requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired from the date of revocation or suspension; and
- (3) paying the fees required of a new applicant in Minnesota Statutes, section 155A.25;

B. Licensees whose license was suspended or revoked under a Minnesota Statute other than chapter 155A, for reasons of child support, tax liabilities, or other law must be cleared by the state or county agency that initiated the license action. The agency initiating the suspension or revocation must notify the board in writing of any action clearing the license. If the license cycle expired during the suspension or revocation, the licensee must meet the requirements for renewing a license under this chapter as if the license had not been revoked or suspended but had expired at the end of the license cycle.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

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2105.0230 TRANSFER OF LICENSE PROHIBITED.

Licenses are not transferable to another person and must be used only by the named licensee.

Statutory Authority: *MS s 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

COSMETOLOGY, ESTHETICIAN, AND NAIL SALONS

2105.0300 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2105.0305 DESIGNATED LICENSED SALON MANAGER.

A. The salon owner must appoint a designated licensed salon manager (DLSM) and register the DLSM with the board using forms supplied by the board.

B. A DLSM must acknowledge the responsibility of the position on forms provided by the board, and is responsible for salon and practitioner compliance as noted in part 2105.0390.

C. A DLSM must not be responsible for more than one salon unless the salons are not open concurrently and the salons or DLSM attest in writing to the board of the business hours of both salons.

D. A DLSM who is no longer serving as the DLSM must notify the board in writing via e-mail or mail, and is liable under Minnesota Statutes, section 155A.33, for the compliance of the salon and licensees in the absence of any written notice of the change to the board.

E. The DLSM is not required to be present at all times during the salon's operation but remains responsible for compliance under this chapter and Minnesota Statutes, chapter 155A, even when away from the salon.

F. A DLSM must not concurrently serve as a designated school manager unless serving as a DLSM in a one-person salon that is never open during school class and school clinic hours.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0310 SALON LICENSURE APPLICATION.

Subpart 1. **All salon licenses.** The requirements of parts 2105.0310, 2105.0360, 2105.0370, and 2105.0410 must be met by all applicants proposing to establish a salon. A salon license is required for each physical location. A licensed salon business may not share any physical space with another licensed salon business except for restrooms, and may not be located inside the perimeter of another licensed salon.

Subp. 1a. **Types of salon licenses.** The services a salon may offer are determined by the type of salon license held. Cosmetology salons may offer cosmetology services, esthetic services, and nail services. Nail salons must offer only nail services. Esthetician salons must offer only esthetician services. A single salon may hold both a nail salon license and an esthetician salon license.

Subp. 2. **Application.** An applicant for a cosmetology, esthetician, or nail salon must apply on forms supplied by the board, giving the following information:

A. the salon name and the legal name of the salon and its owners; the physical address and, if the post office refuses to deliver mail to the salon, an alternate mailing address; telephone number; and e-mail address;

B. the names, postal addresses, e-mail addresses, and telephone numbers of all owners of sole proprietorships or partnerships and controlling officers of corporations;

C. notarized signatures of the owners of sole proprietorships or notarized signatures of partners in general partnerships and limited liability partnerships, and the controlling officers of corporations or authorized signatory of corporations attesting to the truth and accuracy of the application for licensure;

D. an active Certificate of Assumed Name from the secretary of state if the salon is doing business under a name different than the full legal name of the salon owner;

E. an active Certificate of Organization from the secretary of state, except for sole proprietorships and general partnerships;

F. a Social Security number for a sole proprietor, and a state tax identification number for all other businesses;

G. current Certificate of Insurance of professional liability insurance as required by Minnesota Statutes, section 155A.29, subdivision 2;

H. current Certificate of Workers' Compensation Insurance, unless the salon is not required to provide insurance coverage under the Minnesota Workers' Compensation Act;

I. a statement attesting to the salon's compliance with applicable building codes, the Minnesota State Fire Code, and applicable OSHA requirements;

J. a legible floor plan of the salon, drawn to scale, providing the dimensions of the salon as a whole and designating the size and location of all entrances and exits, and indicating the location and dimensions of all required areas, facilities, and equipment required in part 2105.0360; and

K. the name, license number, and notarized signature of the DLSM accepting the responsibilities of the DLSM.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 1993 c 204 s 28; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

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2105.0320 [Repealed, 41 SR 305]

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2105.0322 MAINTAINING SALON LICENSE.

Subpart 1. **Scope.** The requirements in this part apply to all salon licensees.

Subp. 2. **Unlicensed persons.** Salons must not employ or allow unlicensed persons to perform any board-regulated service in a salon, or allow an unlicensed person to provide regulated services without compensation.

Subp. 3. **Compliance.** The licensee must comply with all applicable provisions of Minnesota Statutes and Rules.

Subp. 4. **Maintain insurance.** The salon must maintain any required workers' compensation insurance and professional liability coverage as required by Minnesota Statutes, section 155A.29, subdivision 2, for the salon and salon employees. If the salon leases space to any licensee, or contracts for services with a licensee, the salon must ensure that the licensee is covered under the salon's professional liability insurance or that the licensee maintains current professional liability coverage meeting the salon requirements.

Subp. 5. **Salon premises.** Cosmetology, esthetician, and nail services must not be provided in a place other than a licensed cosmetology salon, esthetician salon, nail salon, cosmetology school, or as otherwise provided by this chapter.

Subp. 6. **Change of location.** A salon license must not be transferred when the salon moves to a new location. The salon must apply for a new salon license and has 60 days after a move to become licensed according to part 2105.0310. If a new license has not been issued by day 61, the salon must cease operations until a license is issued. A mobile salon moving to a new vehicle or new mobile structure must not begin operating in the new vehicle or new mobile structure until the new mobile salon has been issued a license.

Subp. 7. **Change of name.** This part applies only to salon name changes and does not apply to changes of ownership. The board must reissue the salon license in the new name under the same license cycle after the salon owner has met the requirements of this subpart. Within 60 days of the name change, the salon owner must:

- A. submit a salon name change form to the board;
- B. provide legal documentation of the name change and any other documents the business is required to file with the secretary of state under state law because of the name change;
- C. provide a certificate of insurance showing the salon's new name for professional liability insurance;
- D. provide a certificate of insurance in the new salon name for workers' compensation insurance if applicable; and
- E. pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 8. **Change of owner.** A salon license must not be transferred when the salon is sold, or when a corporation owning a salon is sold. The salon must apply for a new salon license and has 60 days after change of ownership to become licensed according to part 2105.0310. If a new license has not been issued by day 61, the salon must cease operations until a license is issued.

Subp. 9. **Change of business structure.** A salon license must not be transferred when the business structure of the owner is changed. The salon must apply for a new salon license and has 60 days after the change of business structure to become licensed according to part 2105.0310. If a new license has not been issued by day 61, the salon must cease operations until a license is issued.

Subp. 10. **Change of DLSM.** The salon owner must inform the board in writing within ten business days of the departure or resignation of the DLSM. The salon has 60 days from the date of the change to register a new DLSM with the board.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30; L 2015 c 77 art 2 s 81*

History: *41 SR 305; 41 SR 1087*

Published Electronically: *March 20, 2017*

2105.0330 SALON LICENSE RENEWAL.

Subpart 1. **Requirements.** The requirements of subparts 3 to 6 must be met by a salon licensee in order to renew a license.

Subp. 2. **Salon license expiration.** All licenses expire on the last day of the month of initial licensure of the year due and the salon owner and designated licensed salon manager (DLSM) are responsible for renewing the salon's license. Not receiving a notice of renewal from the board does not constitute a valid excuse for not renewing the license.

Subp. 3. **Fee.** The salon must pay the fees required in Minnesota Statutes, section 155A.25.

Subp. 4. **Identity of owner.** The salon must provide the name, current address, and telephone number of the salon owner on the renewal application.

Subp. 5. **DLSM.** The salon renewal application must identify the current DLSM by name, license number, and license expiration date.

Subp. 6. **Professional liability and workers' compensation insurance.** The salon must verify that professional liability insurance and workers' compensation insurance policies as required under part 2105.0310 are current and active, including liability policies for practitioners leasing space in the salon.

Subp. 7. **Failure to renew before salon license expiration date.**

A. The board must return incomplete renewal applications to the applicant with notice of the items that are incomplete. Late fees required by Minnesota Statutes, section 155A.25, apply if the resubmitted application is received after the expiration date of the license.

B. When a renewed salon license has not been issued by the expiration date, the salon is considered delinquent and is subject to inspection penalties in part 2105.0120 and disciplinary action in Minnesota Statutes, section 155A.33, and must cease operations and not resume operations until a salon license has been issued.

C. If a completed renewal application is not received by the board within six months of the license expiration date, the salon is not eligible to renew the license. The salon must apply for a new salon license, meeting all current requirements for salon licensure under part 2105.0310. The salon may not operate until a new license has been issued.

D. Late fees in Minnesota Statutes, section 155A.25, apply when a complete renewal application is received after the license expiration date.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 1993 c 204 s 28; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 35 SR 801; 38 SR 778; 41 SR 305*

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2105.0340 [Repealed, 41 SR 305]

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2105.0350 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2105.0360 SALON PHYSICAL REQUIREMENTS.

Subpart 1. **Display of salon name.** Salons located in commercial spaces must prominently display the licensed name of the salon at the primary entrance. Salons located in a private residence must prominently display the licensed name of the salon at the driveway entrance of the home. When local ordinances or real covenants prohibit the signage, the salon must maintain written confirmation at the salon no more than three years old from the official responsible for enforcing the prohibition in an ordinance or documentation of the covenant prohibiting the signage.

Subp. 1a. **Space.** The salon must meet applicable building codes, fire codes, and zoning codes as determined by local zoning and building officials and the state fire marshal.

Subp. 2. [Repealed, 41 SR 305]

Subp. 3. **Walls and ceilings.** All walls, ceilings, ceiling fans, light fixtures, vents, and other fixtures must be kept free from dust and dirt and in good repair at all times.

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

Carpet is not an acceptable floor covering in work areas where services are provided unless the salon's most recent application for licensure was prior to January 1, 2017.

Subp. 5. **Electricity.** The salon's electrical infrastructure must comply with safety standards under Minnesota Statutes, section 326B.35. The salon's use of electrical equipment and appliances must comply with the State Fire Code adopted according to Minnesota Statutes, chapter 299F.

A. Outlets must not have more than two appliances or items plugged into them unless a UL-listed power strip is used.

B. Power strips must have a circuit breaker and be plugged into an outlet and not into another power strip.

C. Extension cords must be plugged into an outlet and not into another cord, and may be used only for portable appliances according to the appliance's directions.

Subp. 5a. **Dispensary.** Each salon must have a dispensary area used to mix chemicals, mix disinfecting solutions, disinfect tools and implements, and store hazardous supplies. Each dispensary must have a clean waste receptacle emptied daily. A dispensary must not be located in a restroom.

A. The dispensary must be equipped with a sink, single-service paper or cloth towels, liquid or foam hand soap, and a work surface area sufficient to disinfect the salon's tools and implements. A shampoo bowl is not an acceptable sink for this purpose unless there is only one practitioner and one hair station in the salon.

B. The salon must ensure that all hazardous substances are inaccessible to the public by prohibiting public access to the dispensary or through the use of closed cabinets, and must ensure that a salon employee or a licensee is present whenever hazardous substances are temporarily accessible to the public.

Subp. 6. **Sinks in work areas.**

A. Each work area must have at least one hand-washing sink.

B. Each hand-washing sink must have hot and cold running potable water plumbed in; be equipped with liquid or foam soap and single-service paper or cloth towels; and have a waste receptacle or hamper for soiled towels.

C. A shampoo bowl may not serve as a hand-washing sink unless liquid hand soap, single-service towels, and a waste receptacle or closed hamper are located at the shampoo bowl. A pedicure tub must not serve as a hand-washing sink.

Subp. 6a. **Restrooms.**

A. Each salon must have a restroom available in the salon, or in an adjacent common area.

B. Restrooms must have a sink with hot and cold running potable water plumbed in, toilet, liquid or foam soap, single-service paper or cloth towels or a hot air hand dryer, and a clean waste receptacle emptied daily.

C. Any hazardous cleaning agents, chemicals, or substances, and any medications located in the restroom, must be kept in locked cabinets not accessible to the public.

D. Restrooms must be maintained in a clean condition.

Subp. 7. **Ventilation.** Salon ventilation must comply with applicable building codes, local ordinances, and state and federal OSHA requirements. If a salon does not have an exhaust system, the heating, ventilation, and air conditioning (HVAC) thermostat fan switch must always be on during business hours.

Subp. 8. Furniture and fixtures.

A. All furniture and fixtures in a work area must have a washable covering or finish and be clean and in good repair.

B. Each work area must have a clean waste receptacle, emptied daily.

C. Each salon must have at least one readily accessible fire extinguisher maintained annually in compliance with State Fire Code requirements. All practitioners in the salon must be instructed in the location and use of the fire extinguisher.

Statutory Authority: *MS s 14.388; 154.45; 155A.05; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 38 SR 778; 41 SR 305*

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2105.0370 SALON OPERATIONAL REQUIREMENTS.

A salon must continuously meet the following minimum operational requirements.

A. Each salon must maintain a readily accessible first aid kit meeting National Standard ANSI Z308.1-2015 or the most recent version of the standard.

B. Each salon must comply with federal hazard communication standards, Code of Federal Regulations, title 29, section 1910.1200, and must:

(1) make paper or electronic safety data sheets for each product used in the salon containing hazardous chemicals as identified in Code of Federal Regulations, title 29, section 1910.1200, available to all salon personnel and all licensees in the salon at all times;

(2) inform all licensees practicing in the salon of the potential health effects of the hazardous products and chemicals; and

(3) inform all licensees practicing in the salon of the measures licensees must take to protect themselves from these hazards, including specific procedures the salon has implemented to protect practitioners from exposure to hazardous products. The procedures must include best work practices, spill cleanup, emergency procedures, and personal protective equipment to be used.

C. The current salon license showing the current DLSM must be conspicuously posted facing the public side of the reception area providing the public a full, unobstructed view of the license.

D. Each salon must ensure that each licensee meets the license display requirements in part 2105.0190, subpart 4.

E. All licensees must have a valid picture state identification in their possession when working in the salon and must produce this identification for inspection when requested by board staff.

F. The salon must post inspection results and provide the detailed inspection report as noted in part 2105.0115, subpart 2.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *10 SR 474; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

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2105.0375 INFECTION CONTROL REQUIREMENTS.

Subpart 1. **Duties.** It is the responsibility of all licensees, including the salon owner and the designated licensed salon manager (DLSM) to ensure that all infection control requirements are followed. Items, tools, and equipment for regulated services in or on salon premises are subject to the requirements of this part even if not intended for use in services.

Subp. 2. **Hand washing.** All licensees must thoroughly wash their hands with soap and water and dry them with a single-service paper or cloth towel or air dryer before providing any service to a client. An alcohol-based hand rub with a minimum of 60 percent alcohol may be used in lieu of hand washing only when the hands are free of lotions, ointments, product, or visible soil. Gloves and hand wipes are not an acceptable substitute for hand washing.

Subp. 3. **Cleaning.** Before disinfecting any surface or item, any visible debris and disposable parts must be removed and the surface or item must be washed with soap and water or a cleaning agent, rinsed thoroughly, and dried before being disinfected. Surfaces may be wiped with a cleaning agent before being disinfected. Any cleaning agent not in the original container must have a legible label with the name of the agent and use instructions. If the original container with instructions is available, use instructions are not required to be repeated on the new container label.

Subp. 4. Disinfecting.

A. Only hospital-level, EPA-registered disinfectants that are labeled as bactericidal, virucidal, and fungicidal may be used. Alcohol is not an acceptable disinfecting agent. Bleach products must have an EPA registration for hospital-level disinfection.

B. Items to be disinfected must first be cleaned according to subpart 3.

C. Disinfectants must be used according to the manufacturer's directions, including contact time, safety precautions, dilution requirements if any, and proper disposal. Disinfectant sprays or wipes must not be used except where noted in this part.

D. Disinfectant solutions must be legibly labeled with the disinfectant name and any dilution requirements. Disinfectant solutions must be made daily and disposed of at the end of the day or immediately if visible debris is present. If concentrated disinfectants must be diluted with water, measuring devices must be readily available and used to ensure an effective solution is made.

E. All surfaces of a tool or implement, including handles, must be disinfected by fully submerging the item in disinfectant in a covered container for the full contact time listed in the

manufacturer's directions. Following disinfection, items must be rinsed to prevent exposure of clients and licensees to unsafe pesticides and chemicals. Items must be dried before being stored.

F. Each salon must have disinfectant containers with covers. The containers must be large enough to totally submerge the implements and tools in disinfectant. The number of covered containers and size of containers must be sufficient to hold all the implements and tools that need to be disinfected.

G. Licensees must protect themselves by wearing gloves or using tongs to avoid direct skin contact with the disinfectant and observe all safety precautions in the manufacturer's directions.

Subp. 5. **Blood and body fluid exposure.** Licensees must stop a service whenever an unexpected cut, abrasion, or other injury occurs during a service resulting in exposure to blood or other body fluids, or when blood or other body fluids appear as a result of a service, and follow the steps in items A to G.

A. The licensee must put on gloves.

B. If possible, rinse the wound with running water.

C. Clean the wound with an antiseptic solution and cover with a sterile bandage.

D. If the wound is on the licensee's hand, the licensee must wear a glove or finger cover covering the wound. If the wound is on the client, the licensee must wear gloves on both hands to complete the service.

E. Blood-stained tissue or cotton or other blood or body fluid contaminated material must be placed in a plastic bag, sealed, and discarded.

F. Before resuming service, the licensee must first remove from service any equipment, tools, and implements that came into contact with blood or other body fluids, clean and disinfect any contaminated surfaces, and then clean and wash hands with soap and water.

G. Contaminated tools, implements, and equipment must be cleaned and disinfected according to subparts 3 and 4.

Subp. 6. **Storage of items.**

A. Disinfected items must be stored in clean, closed containers, cupboards or drawers, or on a clean towel and covered with a clean cloth towel or clean drape, and must not come into contact with contaminated items or nondisinfected items. Storage containers must have solid sides and lids and must be cleaned and disinfected with disinfectant wipes or spray weekly and before use if visibly soiled.

B. Plastic or paper bags or sealed wrapping must not be used to store disinfected items unless the item has been sterilized by an autoclave used under the requirements of part 2105.0377, item E.

C. Items pulled out for service must not come into contact with contaminated surfaces that have not been disinfected.

D. Tools, implements, linens, and other nonelectrical items that have been removed from clean storage must be placed in covered and closed containers labeled "used" immediately after the service is completed, or immediately cleaned and disinfected. Storage containers for used items must have solid sides and lids and must be cleaned and disinfected weekly or whenever visibly soiled. Disinfectant wipes or sprays may be used when the container is too large to be submerged in disinfectant.

Subp. 7. Safety and infection-control practices.

A. Only cleaned, disinfected, and properly stored tools and implements must be used on a client.

B. A supply of disinfected tools, disinfected implements, single-use supplies, and disinfectant must be present and available for use by practitioners. The supply must be sufficient, based on the practitioner and salon service volume, to ensure each client is serviced with properly cleaned and disinfected tools and implements each day.

C. All fluids, semifluids, creams, waxes, and powders must be kept in clean, covered containers with a solid cover and must be dispensed in a manner which prevents contamination of the unused supply.

(1) Disposable or disinfected spatulas or applicators must be used to remove products from containers, and fingers must never be used. Spatulas, applicators, or scoops must not be stored in the container.

(2) Products removed from containers must not be returned to the containers and must be used or discarded.

(3) Containers must be wiped clean and the exterior disinfected with a disinfectant wipe at the end of the day.

D. All products must be legibly labeled if not in the original container.

E. Each pencil cosmetic must be sharpened before each use with a disinfected pencil sharpener. When a pencil-type cosmetic is in a mechanical applicator or is of a diameter too small to be sharpened, the exposed tip of the product must be removed with a disinfected scissors or knife, and the tip of the applicator wiped with alcohol before use on another client.

F. Licensees must comply with all manufacturer's directions for product use. When product directions require a patch test, the licensee must (1) offer a patch test, and (2) provide information to the client regarding the risk of potential adverse reactions to the product.

G. Licensees must not perform services on clients with open wounds or sores in the area of the body to be serviced.

H. Animals are not allowed in salons. This prohibition does not apply to service animals as defined by the Minnesota Human Rights Act, the Americans with Disabilities Act (ADA), and related regulations, as amended.

I. Live fish, leeches, snails, and other living creatures may not be used in any cosmetic service.

J. Uncovered food or beverages are not allowed in the presence of uncovered disinfectant solutions, or when disinfectant solutions are made or disposed of, or when disinfectant sprays are used.

K. Licensees must not eat or smoke, including electronic cigarettes, while performing any services. Any beverage for a licensee must be covered with a lid during any service.

L. Tools and implements must not be placed in or on clothes, aprons, pockets, bags, or holsters, or worn by the licensee, and must not come into contact with nondisinfected surfaces.

M. Tools or implements dropped on the floor or otherwise contaminated during a service must be removed from the work station, cleaned and disinfected, or placed in a covered container labeled "used" until cleaned and disinfected.

N. Wig blocks must have a nonabsorbent covering. Each nonabsorbent covering must be removed after each servicing of a wig, cleaned and disinfected, and must be stored in a properly labeled covered container. Wigs accepted for service must be stored in individual clean and disinfected containers, or in a new disposable container such as a plastic bag. New plastic wrap or other suitable clean and disinfected covering material must be placed over a customer's hair while trying on wigs for purchase, and the wig must not be allowed to come into contact with the skin, hair, or wigs of the customer.

Subp. 8. **Laundered items.** Each towel, robe, and linen used to cover or protect customers must be used only once and then be laundered with detergent and hot water in a washing machine, dried on hot, and immediately stored in a clean, covered container. Plastic or nylon capes and aprons may be washed in a machine and dried on any setting in a dryer or may be disinfected with a spray disinfectant. Used or soiled towels, linens, and capes must be stored in closed containers labeled "used." Steamed towels and cloths must meet the requirements of subpart 15, item G.

Subp. 9. **Shears and razors.** Shears and razors are not required to be washed, but must be wiped to remove hair, product residue, and skin debris, and then disinfected with an EPA-registered, hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label.

Subp. 10. **Brushes.** Licensees must follow the procedures in subparts 3 and 4 for all hair or color brushes, brushes used in nail or skin services, makeup brushes, and neck brushes. Brushes used in solvent-based nail products that do not support microbial life are exempt from the disinfection requirement.

Subp. 11. **Electrical and electronic tools.** Electric clippers, nail drills, flat irons, blow dryers, glass or metal electrodes, high frequency wands, esthetic machines, steamers, diffusers, or other electric or electronic tools must be cleaned and disinfected after each use, including the body, handle, and attached cord.

A. Plastic guards and any nonmetal removable parts must be removed, cleaned, and disinfected as required in subparts 3 and 4.

B. Metal guards, clipper blades, drill bits, and other removable parts must be removed. All product residue, hair, skin debris, nail dust, and other visible debris must be brushed or wiped off, and the removable part must be disinfected with an EPA-registered, hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

C. Clipper blades that are not detachable must have the hair removed using a disinfected brush or a blade wash, and the clipper blade must be disinfected with a hospital-level disinfectant spray. The surfaces must remain wet with the spray disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

D. The surface of the tool's body, handles, and attached cord must be brushed or wiped clean of all product residue, hair, skin debris, nail dust, and other visible debris, and then disinfected with an EPA-registered, hospital-grade disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

E. Disinfected electrical and electronic tools must be stored when not in use. Acceptable storage includes a clean and disinfected:

- (1) surface;
- (2) stand or hook; or
- (3) closed container, cupboard, or drawer.

Subp. 12. **Pedicure stations.** Pedicure tubs, including basins, and piped and pipeless tubs must be cleaned and disinfected according to items A to C.

A. Immediately after each service:

- (1) dirty water must be drained and any visible debris removed;
- (2) all removable filter screens, inlet jets, footplates, impeller assemblies, and other parts must be removed and debris eliminated before scrubbing with a disinfected brush and detergent and water;
- (3) the tub basin must be scrubbed with detergent and water, and rinsed with water and drained;
- (4) removable parts must be replaced;
- (5) the basin or tub must be filled with clean water and an EPA-registered, hospital-level disinfectant must be added following the manufacturer's directions. If the pedicure tub is electrical, the fan or pump must be turned on and the unit operated for the entire contact time; and

(6) after the contact time is complete, the disinfectant must be drained and the tub rinsed with clean water.

B. Pedicure tub liners are single-use items under subpart 13 and must be disposed of immediately after use. When disposable tub liners are used, item A does not apply. When tub liners are used, the pedicure tubs must remain in clean and disinfected condition.

C. Pedicure tubs of all kinds must always be maintained in a clean and disinfected condition, even if the tub is broken or not in service. If the circulating mechanism isn't working, the screens must be cleaned and the tub surface disinfected.

Subp. 13. **Single-use items.** Foam toe separators, foam buffer blocks, pedicure tub liners, pumice bars or stones; chamois, paper, or foam flip-flops or slippers; nail files unless governed by item B; sanding bands or sleeves; paper sandpaper drill bits; wooden applicators; cotton balls, cotton pads, or swabs; gauze pads; sponges; neck strips; wax strips; and other items made with paper, wood, foam, or other porous materials, are single-use items, may be used one time only, and must be immediately disposed of in a trash can after each service. Lancets and extraction needles are single-use items and must be disposed of in a sharps container. Brushes are not single-use items when the provisions of subpart 10 are met. Linens are not single-use items when the provisions of subpart 8 are met.

A. New, single-use items must be stored in clean covered containers with solid sides and lids containing only new or disinfected items. New items in the original sealed packaging may be stored out in the open.

B. All nail files are single-use items unless made of metal, glass, or crystal. Ceramic nail files are single-use items unless completely sealed by a glaze.

C. For the purpose of scoring the edges of sharp single-use files, one file may be repeatedly used to file down the edge of a supply of new files, provided that the practitioner wears gloves while preparing the new files and that the file used by the practitioner is kept in the dispensary in a disinfected container labeled "score file." Each salon may have only one score file.

Subp. 14. **Wax and paraffin services.** Wax pots and paraffin warmers must be kept covered and the exterior cleaned daily.

A. If debris is found in the wax pot or paraffin warmer, or if the wax or paraffin has been contaminated by contact with skin, unclean applicators, or double-dipping, the wax pot or paraffin warmer must be emptied, the wax must be discarded, and the pot or warmer must be disinfected.

B. Disposable spatulas and wooden sticks must be dipped into the wax only once and then discarded without using the other end.

C. Applicators must be dipped only once into the wax unless the wax is a single-service item and unused wax is discarded after each service.

D. Any surface touched by a used wax stick must be cleaned and disinfected immediately after the service.

E. Paraffin wax must be portioned out for each client in a bag or other container, or dispensed in a manner that prevents contamination of the unused supply.

Subp. 15. Salon fixtures.

A. Counters, tables, reception-area chairs, and desks must be cleaned daily with soap and water or a cleaning agent.

B. Work surfaces where services are performed, such as shampoo bowls, nail tables, facial chairs or beds, or waxing beds, must be protected from skin contact by a clean cloth or paper towel or sheet. The work surface must be cleaned and disinfected daily, using EPA-registered, hospital-level disinfectant wipes or sprays with the surface wet for the contact time in the product directions. If a customer's skin comes into contact with the surface, the surface must be cleaned and disinfected immediately after the service.

C. Stylist chairs at hair stations, chairs at shampoo stations, manicure chairs, and pedicure throne chairs must be cleaned and disinfected at the end of each day. EPA-registered hospital-level disinfectant wipes or sprays must be used and the surface must be wet with the disinfectant for the contact time in the product directions.

D. Sinks and shampoo bowls must be cleaned and disinfected daily with a disinfectant spray or wipe, including faucet handles, spray handles, inside bowls, and outside surfaces. Hair must be removed from shampoo bowls immediately after each shampoo service.

E. Rolling carts, work trays, or other containers used to hold tools and implements during a hair, skin, waxing, nail, pedicure, or other service must be cleaned and disinfected daily with a disinfectant spray or wipe.

F. Hair and debris must be removed from the floor immediately after each service.

G. Towel warmers must be disinfected daily with a disinfectant wipe or spray. Salons using hot steamed towels in services must meet these requirements:

- (1) towels must be washed with detergent and bleach and dried using a hot dryer setting;
- (2) practitioners preparing towels for the warmers must first wash their hands or wear gloves; and
- (3) wet towels used in services must be prepared fresh each day. At the end of the day, unused steamed towels must be removed and laundered.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

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2105.0377 SALON PROHIBITIONS.

A. Prohibited substances in salons are methyl methacrylate (MMA) liquid monomers, formalin tablets, formalin liquids, and other fumigants.

B. Skin cutting equipment, including razor-type callus shavers, credo blades, rasps, or graters and other implements that are used to remove corns or calluses by cutting below the skin surface are prohibited and must not be present in a salon.

C. Roll-on wax is prohibited. Single-use roll-on wax cartridges are acceptable but must be disposed of immediately after service. Roll-on wax cartridges warming in a wax heater must have an intact seal. The heating unit is subject to the requirements of part 2105.0375 and must be cleaned and disinfected after each use.

D. UV sterilizers or light boxes are not an acceptable infection control device and must not be present in a salon. This does not apply to UV dryers or ultraviolet lamps used to dry or cure nail products.

E. Autoclaves and autoclave packaging of tools are prohibited unless regular spore tests are performed by a contracted laboratory at least once per month but not more than 30 days between tests. If a positive spore test is received, the autoclave must not be used until a negative spore result is received. The salon must maintain a log of each use, all testing samples and results, and a maintenance log of all maintenance performed according to the manufacturer's directions. The salon must retain the most recent 12 months of the log at the salon for review by the board.

F. Electric or battery-operated files or drills not specifically manufactured for use on humans are prohibited.

G. Practitioners must not use tools or implements provided by customers unless the practitioner first cleans and disinfects the tool or implement. Customer-supplied prohibited tools must not be used and must be immediately removed from the salon premises. Customer-supplied single-use items must be new.

H. Salons must not store a customer's tools or implements.

I. Nail salons must not offer esthetician services without an esthetician salon license, and esthetician salons must not offer nail services without a nail salon license. Nail and esthetician salons must not offer services which require a cosmetology salon license.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0380 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2105.0390 SALON SUPERVISION.

A. The owner and the designated licensed salon manager (DLSM) registered with the board are responsible for the salon at all times, even when not present at the salon. The owner and the DLSM must ensure that:

(1) all practitioners, including nonemployees, who perform licensed services in the salon are in compliance with all provisions of this chapter and Minnesota Statutes, chapter 155A; and

(2) each practitioner in the salon is currently licensed in Minnesota for the services provided by that practitioner to customers.

B. The salon must designate and register only one person as the DLSM for each salon. This does not preclude a salon from having a business manager or other managers who are not licensed as operators or managers. Salons holding both a nail salon and an esthetician salon license may have a designated licensed salon manager for each license, or a cosmetologist salon manager may serve as the designated licensed salon manager for both licenses.

C. The DLSM and the owner must maintain, on the salon premises, the work time records of each licensed employee, as required by Minnesota Statutes, section 177.30. Time records must be provided upon written request to the licensee or to the board.

D. Any salon that leases space to one or more licensed practitioners must provide lessees with a method to track hours worked. Acceptable methods are paper, mechanical, or electronic. All methods must record time on a contemporaneous basis. The salon must retain the work time records for a period of four years for each lessee. Work time records must be provided upon written request to the licensee or to the board. The salon has no obligation to ensure the use of the method to track work hours by a lessee.

Statutory Authority: *MS s 14.388; 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *11 SR 389; 13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; L 2013 c 85 art 5 s 49; 38 SR 778; L 2015 c 77 art 2 s 87; 41 SR 305*

Published Electronically: *September 13, 2016*

2105.0393 SALONS LOCATED IN PRIVATE RESIDENCES.

Salons may be established in private residences if the conditions in items A to F are met.

A. The salon must meet the requirements of this chapter.

B. The salon space must not be used for any residential purposes at any time.

C. The salon must be completely separated from the residential areas. There must be a permanent, solid partition from floor to ceiling between the salon and the residential areas, and any door in between them must be kept closed at all times.

D. All cosmetology services must be provided in the salon space.

E. Laundry tubs must not be used as shampoo bowls.

F. If the salon owner or DLSM is at the home when a board inspector visits, the board inspector must be allowed access to the salon space for the purposes of an inspection, even if the salon is not open for business at the time of the inspection visit.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0395 MOBILE SALONS.

Subpart 1. **Mobile salons.** A salon located in a mobile vehicle or mobile structure must be licensed as a mobile salon. The board must issue mobile salon licenses for mobile cosmetology salons, mobile esthetician salons, mobile advanced practice esthetic salons, and mobile nail technology salons. Mobile salons are subject to the following provisions:

A. The salon must meet the requirements of this chapter, including requirements related to the facility, safety and infection control, and scope of services to be provided in salons, except as otherwise provided for in this part.

B. A salon license is valid for a specific vehicle or mobile structure and must not be transferred to a different vehicle or mobile structure.

C. All services must be provided inside the interior of the vehicle or structure.

D. The mobile salon must be equipped with a functioning cell phone or Voice over Internet Protocol (VoIP).

E. The mobile salon's name as shown on the license must be visibly displayed and clearly legible on at least one exterior side of the mobile salon.

Subp. 2. **Mobile salon license application.** In addition to the requirements of part 2105.0310, an applicant for a mobile salon license must provide the following information:

A. a description of the vehicle or mobile structure to be used as the mobile salon, including photographs of the interior and exterior;

B. the license plate number and vehicle identification number (VIN) of the mobile salon;

C. the capacity and location of each potable water tank and wastewater tank;

D. a permanent address at which board correspondence may be received;

E. the address of the physical location where the mobile salon is parked when not in service;
and

F. the phone number of the mobile salon's cell phone or Voice over Internet Protocol (VoIP).

Subp. 3. Water and wastewater requirements for mobile salons.

A. The mobile salon must have a self-contained, potable water supply in holding tanks with gauges indicating the levels in the tanks and reserve capabilities. The water supply tanks must be integrated and plumbed into the wastewater tanks or gray water tanks.

B. Only potable water hoses meeting NSF/ANSI Standard 61-2014 may be used to fill the potable water tanks. NSF/ANSI Standard 61-2104 is incorporated by reference, is not subject to frequent change, and is available through the Minitex interlibrary loan system.

C. The mobile salon must have a wastewater tank or gray water tank capacity 15 percent larger than the water supply holding tank.

D. A mobile salon must not operate when:

- (1) the available potable water supply is at ten percent or less capacity;
- (2) the available potable water supply is insufficient to comply with infection control requirements in this chapter; or
- (3) a tank for wastewater, black water, or gray water is at 90 percent or greater capacity.

E. A mobile salon must have a restroom in operating condition inside the mobile salon that includes an installed hand sink with potable water, soap, single-use towels, and a self-contained, recirculating, flush chemical toilet with a holding tank or properly maintained composting toilet.

F. Wastewater must be discharged into a sanitary sewage system or a sanitary dumping station. Dumping wastewater in a storm sewer, in any body of water, or on the ground is prohibited. When disposing of sewage and wastewater, each mobile salon shall comply with all applicable federal, state, and local environmental and sanitary regulations.

G. Portable shampoo containment bowls and portable pedicure tubs are acceptable. All other sinks must be installed and connected to the vehicle's potable water supply and wastewater tanks.

Subp. 4. **Electrical and power requirements for mobile salons.**

A. If power to supply heating, air conditioning, and other equipment is supplied by a generator, the generator must be properly vented outside and all doors and windows must be closed when the generator is operating to avoid exhaust entering the mobile salon. The generator must meet applicable municipal noise ordinances.

B. Any combustible gas heater used by a mobile salon must be a sealed, combustible unit and must be vented outside, and all doors and windows must be closed when the heater is operating to avoid exhaust entering the mobile salon. Liquefied petroleum gas (LP-gas) systems installed in the mobile salon must comply with the current edition of the National Fire Protection Association Standard No. 58 LP-Gas Code as adopted by the State Fire Code.

C. All combustible gas containers must be stored outside of the mobile salon.

D. The mobile salon must have working alarms for carbon monoxide, smoke, and combustible gas, either as single alarms or combined alarms.

E. All electrical wiring in a mobile salon must comply with the State Electrical Code. Electrical equipment plugged into outlets must be UL-listed and must comply with Minnesota Statutes, section 326B.35, and local fire codes.

Subp. 5. **Safety and infection control requirements.** In addition to the safety and infection control requirements for salons in this chapter, mobile salons must comply with the following requirements:

A. Services must not be provided unless the mobile salon is parked with the engine off, stable, and leveled. Stabilizing jacks must be used when indicated by the manufacturer's instructions of the vehicle or mobile structure. At least two wheel chocks must be in use when the salon is operating.

B. Carpeting is permitted only within driving or cab areas.

C. All hazardous substances in the mobile salon must be stored upright in secured cabinets when the mobile salon is moving.

D. The mobile salon must have a ventilation system sufficient to provide fresh air in the salon.

E. All moving parts, including slide outs and steps, must be in good working order.

Subp. 6. **Location and times of operation.** The mobile salon must report itineraries when requested by the board.

Subp. 7. **Compliance with local government law.** The mobile salon must comply with all city, township, and county ordinances regarding wastewater disposal, commercial motor vehicles, vehicle insurance, noise, signage, parking, commerce, business, and all other local government requirements. It is the responsibility of the mobile salon owner to investigate what requirements are applicable to the mobile salon in each jurisdiction where the salon operates, and to ensure compliance with the requirements.

Subp. 8. **Penalties for violating local government law.** Mobile salons are subject to the disciplinary provisions of Minnesota Statutes, section 155A.33, when a municipality has determined that a licensed mobile salon has repeatedly violated a local government restriction regarding the time and place of operation of a mobile salon and when any local government appeal process has been completed or exhausted.

In the absence of a final determination, the board must not investigate allegations that a mobile salon has violated a local government law, but must refer allegations to the local government authority.

Statutory Authority: *MS s 155A.26; L 2015 c 77 art 2 s 81*

History: *41 SR 1087*

Published Electronically: *March 20, 2017*

2105.0397 SUITE-STYLE SALONS.

Subpart 1. **Suite-style salons.** Suite-style salons must have one salon license under which every suite located on the premises operates, or each suite must carry its own salon license as an individual salon. A suite-style salon where each suite carries its own salon license must meet the

salon licensing requirements of this chapter. When the salon license is held by the business leasing the suites, the requirements of subparts 2 to 7 apply and must be met.

Subp. 2. **Compliance in suite-style salons.** The salon license holder and the DLSM must ensure that all cosmetology services and all practitioners are in compliance with the requirements of this chapter.

Subp. 3. **Salon license posting requirements in suite-style salon.** The salon license must be conspicuously posted at the salon's reception area and at each salon entrance used by customers. The license must not be a photocopy, but must be a duplicate license purchased from the board.

Subp. 4. **Practitioner license posting requirements in suite-style salon.** The posting requirements of part 2105.0190, subpart 4, apply, except that the practitioner licenses must be conspicuously posted at the practitioner's station or inside the suite instead of in the reception area or foyer of the building.

Subp. 5. **Inspection result posting requirements in suite-style salon.** The requirement of part 2105.0115, subpart 3, to post inspection results and a report must be met by posting the inspection results and inspection report at the salon entrance used by customers.

Subp. 6. **Safety data sheets in suite-style salon.** The requirements of part 2105.0370, item B, must be met. The paper or electronic safety data sheets for each product used in each suite must be located in the suite itself or in a central accessible location.

Subp. 7. **Suite signage and advertising.** A practitioner who does not hold a salon license, and is renting salon space in a licensed salon must comply with the requirements of part 2105.0110. This does not apply to a suite directory or suite entryway signage identifying the tenant in a licensed suite-style salon business.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*

2105.0400 [Repealed, 41 SR 305]

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2105.0410 LICENSED SERVICES NOT OFFERED IN A LICENSED SALON.

Subpart 1. **Nursing homes licensed under Minnesota Statutes, chapter 144A.** This part does not provide any exemption for assisted living residences, senior apartments, or any part of a senior citizen housing facility that is not licensed as a nursing home under Minnesota Statutes, chapter 144A.

A. A salon in a nursing home is required to be licensed if:

- (1) any cosmetology services are offered to nonresidents of the nursing home; or
- (2) any licensee without a homebound service permit is providing services for compensation.

B. A salon in a nursing home is not required to be licensed if:

(1) licensees with homebound service permits provide services only for residents of the nursing home; and

(2) staff employed by the nursing home provide services to residents of the nursing home, and services are limited to washing hair, setting hair, trimming hair, filing nails, applying and removing nail polish, and makeup applications and services do not include permanents or hair coloring.

Subp. 2. Special events permits.

A. Licensees with a current manager's license may apply online for a special events permit. Applicants must carry professional liability coverage of at least \$25,000 for each claim and \$50,000 total coverage for each policy year, and must pay the fees required by Minnesota Statutes, section 155A.33.

B. The permit holder may only provide the following services:

(1) cosmetologists may style, reinforce, or extend hair;

(2) cosmetologists and nail technicians may remove and apply nail polish; and

(3) cosmetologists and estheticians may remove and apply makeup.

C. Permits have the following restrictions:

(1) Permits expire on December 31 of the year in which the permit is issued, but are valid only with a current manager's license held by the permit holder.

(2) One permit covers all events registered by the permit holder with the board for the calendar year.

(3) Each event must be registered online with the board at least 48 hours prior to the start of the event.

(4) The permit holder must print the special events permit from the online license record and have the printed permit in the permit holder's possession during each event.

(5) The permit holder must comply with all infection control requirements and safety requirements in parts 2105.0375 and 2105.0377, and must carry a first aid kit that meets the requirements of part 2105.0370, item A.

(6) At each special event, the permit holder must provide a sufficient number of brushes, combs, makeup brushes, and other implements equal to the number of persons receiving cosmetology services at the event, so that only disinfected tools and implements are used on each client.

D. The hours spent working under a special event permit do not count toward the work hours in a licensed salon required to obtain other licenses under this chapter.

Subp. 3. **Homebound permit.** A homebound service permit authorizes a licensee to provide services in a licensed nursing home to residents or in the residence of an individual who is homebound.

A. To obtain a homebound service permit, an applicant must apply and:

(1) hold a current Minnesota cosmetologist, nail technician, esthetician, or salon manager license;

(2) provide a current Certificate of Insurance of professional liability insurance as required under part 2105.0310;

(3) attest that services will be provided only to individuals residing in a licensed nursing home, or in the residence of a homebound individual, and that the licensee will carry the homebound service permit at all times when providing services for homebound individuals; and

(4) pay the fees required by Minnesota Statutes, section 155A.25.

B. Homebound service permits are issued by the board for a three-year cycle.

C. A homebound service permit is not valid unless the permit holder's practitioner license is current. If the practitioner's license has expired, a permit must not be used until the practitioner has renewed the practitioner license.

D. The permit holder must maintain the professional liability insurance as required in item A for the duration of the permit.

E. The licensee must comply with all infection control requirements and safety requirements in parts 2105.0375 and 2105.0377, and must carry a first aid kit meeting the requirements in part 2105.0370, item A, when not in a licensed nursing home.

F. The hours spent working under a homebound service permit do not count toward the work hours in a licensed salon required to obtain other licenses under this chapter.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

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2105.0420 SPECIAL EVENT PERMITS.

A special event permit holder must not use the permit to provide regulated services in a mobile vehicle or mobile structure that is owned or operated by the permit holder or a board licensee unless the mobile vehicle or mobile structure is licensed as a mobile salon under part 2105.0410. A licensed mobile salon does not require a special event permit for services offered in the mobile salon.

Statutory Authority: *MS s 155A.26; L 2015 c 77 art 2 s 81*

History: *41 SR 1087*

Published Electronically: *March 20, 2017*

2105.0450 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2105.0510 INTOXICANTS AND CONTROLLED SUBSTANCES.

Licensees must not perform cosmetology services while consuming or under the influence of an intoxicant or controlled substance.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *13 SR 1056; 22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

Published Electronically: *September 13, 2016*

2105.0520 LICENSE CYCLE.

A. The board must issue individual licenses on a three-year license cycle. The first year of the license cycle may consist of less than 12 months, and begins on the issuance date and ends on the last day of the individual's birth month. The second and third year of the license cycle consists of 12 months each, ending on the last day of the individual's birth month.

B. The board must issue salon licenses on a three-year license cycle. A salon license begins on the issuance date and ends three years later on the last day of the month.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

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2105.0600 [Repealed, 41 SR 305]

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2105.0610 [Repealed, 41 SR 305]

Published Electronically: *September 13, 2016*

2105.0650 PENALTIES.

The board may take action as authorized under Minnesota Statutes, chapter 155A, against any entity who has violated any law, rule, or order entrusted to the board.

Statutory Authority: *MS s 45.023; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *22 SR 594; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26; 41 SR 305*

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WAIVERS**2105.0820 REQUEST FOR WAIVER.**

A written request for waiver of specific rule requirements may be granted by the board in cases of hardship or medical necessity.

Statutory Authority: *MS s 154.45; 155A.05; 155A.26*

History: *11 SR 389; 13 SR 1056; L 2005 c 27 s 9; L 2009 c 78 art 6 s 26*

Published Electronically: *October 2, 2013*