

**2110.0010 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. **Accommodate or to be accommodated.** "Accommodate" or "to be accommodated" means the maximum number of students present on the school premises at any one time and for which the school has the required physical and program resources. In most cases this will be the maximum number of day student enrollees.

Subp. 3. **Advanced training.** "Advanced training" means instruction conducted by a recognized expert in the field, offered to licensed individuals for the purpose of providing information or skills supplemental to that required for initial licensure.

Subp. 4. **Advertising.** "Advertising" means any written or graphic representation designed to elicit enrollment or the sale of goods or services and includes signs, displays, circulars, brochures, and recruitment materials.

Subp. 5. **Application of artificial nails.** "Application of artificial nails" includes the application, construction, and repair of sculptured nails, of nail tips, and nail wrapping.

Subp. 6. **Beauty coloring product.** "Beauty coloring product" means foundation color, skin tints, eye color, mascara, eye liner, eyebrow color, and lip color.

Subp. 7. **Board.** "Board" means the Board of Cosmetologist Examiners.

Subp. 8. **Clean.** "Clean" means free from all soil and dirt, washed with soap or detergent and hot water.

Subp. 9. **Clinic.** "Clinic" means the portion of a cosmetology school where cosmetology services are offered to the public and which are performed by students and for which compensation is given.

Subp. 10. **Communicable disease.** "Communicable disease" means a contagious or infectious disease or condition.

Subp. 11. **Community education.** "Community education" means a program of personal grooming, taught by a licensed cosmetologist, nail technician, or esthetician of less than ten hours duration, offered on a periodic basis.

Subp. 12. **Compensation.** "Compensation" means a monetary or nonmonetary remuneration for services.

Subp. 13. **Demonstration.** "Demonstration" means a presentation of less than eight hours duration, conducted by a recognized expert in the field, for the purposes of training cosmetology students or specialization by current licensees. The same demonstration may be repeated successive times that total more than eight hours. Demonstrations pursuant to nonretail sales are exempt from this chapter.

Subp. 14. **Dispensary.** "Dispensary" means a physical location or area in a salon that is primarily where cosmetology supplies, products, or chemicals are prepared, measured, mixed, portioned, or disposed of.

Subp. 15. **Documentation.** "Documentation" means a signed, notarized statement attesting the truth of the facts stated in it.

Subp. 16. **Evidence.** "Evidence" means written proof.

Subp. 17. **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. 17a. **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. 17b. **Hair braiding services.** "Hair braiding services" means offering to perform or performing hair braiding, as defined in subpart 17a, as a service to members of the public for a fee or other consideration.

Subp. 17c. **Hair braider.** "Hair braider" means a person who offers to perform or performs hair braiding or hair braiding services as defined in subparts 17a and 17b.

Subp. 18. **Licensed services.** "Licensed services" means those services defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and includes the fitting of wigs and hair pieces on the head and the dressing of wigs and hair pieces while on the head. 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 17a to 17c.

Subp. 18a. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. 19. **Staff.** "Staff" means the personnel of the Board of Cosmetologist Examiners.

Subp. 20. **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, and includes ear piercing, body wrapping, permanent depilation, tattooing, artificial tanning of the skin; personal services incidental to performance in theatrical or musical productions or media appearances; any personal services performed incidental to mortuary practice; massage services; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 17a to 17c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

**Statutory Authority:** *MS s 45.023; 154.22; 154.24; 154.45; 154.47; 154.48; 155A.05; 155A.08; 155A.09; 155A.26; 155A.29; 155A.30*

**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; L 2013 c 85 art 5 s 49*

**Published Electronically:** *July 23, 2013*