

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 students.

Subp. 3. [Repealed, 41 SR 305]

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, business cards, brochures, and recruitment materials; in print, on air, or online.

Subp. 5. [Repealed, 41 SR 305]

Subp. 6. [Repealed, 41 SR 305]

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

Subp. 8. **Clean.** "Clean" means free from all soil, dirt, and debris, and washed with soap and water or a cleaning agent, and then rinsed.

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

Subp. 10. [Repealed, 41 SR 305]

Subp. 11. [Repealed, 41 SR 305]

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

Subp. 13. [Repealed, 41 SR 305]

Subp. 13a. **Disinfect.** "Disinfect" means the use of an antimicrobial pesticide that eliminates harmful bacteria, fungi, and viruses on nonporous surfaces.

Subp. 13b. **Disinfectant.** "Disinfectant" means an antimicrobial pesticide that is registered with the Environmental Protection Agency (EPA) for use in a hospital setting and is a bactericide, virucide, and fungicide.

Subp. 14. **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. 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. 17d. **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. 17e. **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. 18. **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 17a to 17c.

Subp. 18a. **Operator.** "Operator" means a standard license for a cosmetologist, esthetician, or nail technician license and not an advanced practice or manager license.

Subp. 18b. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

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

Subp. 19. [Repealed, 41 SR 305]

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. Unregulated services are ear piercing, body art, body painting, henna tattoos and permanent tattoos, eyebrow embroidery, eyebrow microblading, permanent hair removal, and permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions; 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 17a to 17c; 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 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.23; 155A.26; 155A.27; 155A.29; 155A.30; L 2014 c 169 s 4*

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; 39 SR 393; 41 SR 305*

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