

## CHAPTER 155

### COSMETOLOGY

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#### 155.01 HAIRDRESSER, BEAUTY CULTURIST.

It shall be unlawful for any person to engage in the occupation of hairdresser and beauty culturist, or to conduct a hairdressing and beauty culture shop or school, except as hereinafter provided.

**History:** 1927 c 245 s 1 (5846-27)

#### 155.02 DEFINITIONS.

Subdivision 1. Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subd. 2. Any person who engages in the practice, for compensation or other reward, in any one or any combination of the following practices: arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means, or hair trimming, cutting or bobbing of any living person of either sex; the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, aided with the hands or mechanical or electrical apparatus, or appliances used in massaging, cleansing, stimulating, manipulating, exercising, beautifying, the scalp, face, neck, arms, hands, bust, or upper part of the body for the purpose of beautification, shall be defined as and construed to be practicing hairdressing and beauty culture.

Subd. 3. An "operator" is any person who has secured a license to engage in and engages in the practices defined in subdivision 2, as named within this chapter.

Subd. 4. A "manager-operator" is any person of legal age who owns, operates, conducts, or manages a hairdressing and beauty culture shop or school; or who instructs in practical hairdressing and beauty culture work. It shall be lawful for any person to own, operate, conduct, or manage a hairdressing and beauty culture shop or school without being licensed as a manager-operator if such person does not instruct in or practice any of the practices, as defined in subdivision 2, but does employ one or more manager-operators in the shop or school to manage same or instruct therein.

Subd. 5. A "school of hairdressing and beauty culture" is a place where any person, firm, or corporation operates and maintains a class to teach beauty culture, as defined herein.

Subd. 6. A "manicurist" is a person who practices beauty culture by treating the hands and the nails only.

Subd. 7. [ Repealed, 1971 c 99 s 11 ]

Subd. 7a. A junior instructor is a licensed operator who is working under the supervision of a senior instructor for one year. The license fee for junior

instructor shall be set by the board and is payable on or before June 30 in each year.

A senior instructor is a manager-operator having a high school education or its equivalent and who has had two years of practical experience or one year's experience as a junior instructor within the last five years, and who has passed an examination for a senior instructor. The fee for such examination shall be set by the board. The license fee for a senior instructor shall be set by the board and is payable on or before June 30 in each year.

Any person who, prior to July 1, 1965, held a license as a manager-operator and then teaching as an instructor, as defined in this subdivision, shall be deemed a senior instructor upon payment of the license fee.

Subd. 8. A registered cosmetologist is any person licensed under subdivision 2. Such person shall be entitled to use the designation "Registered Cosmetologist" or the initials "R.C." after his name.

Subd. 9. Whenever the word "school" is used herein said word shall also mean "branch" and each branch shall be subject to the provisions applicable to a school.

**History:** 1927 c 245 s 2; 1933 c 264 s 1; 1941 c 490 s 1; 1945 c 191 s 1; 1951 c 681 s 1; 1957 c 924 s 5,6; 1965 c 471 s 1; 1971 c 99 s 1; 1976 c 2 s 68; 1976 c 222 s 107 (5846-28).

### **155.03 PLACE OF BUSINESS; REGISTRATION; LICENSING; INSTRUCTION.**

Subdivision 1. Hairdressing and beauty culture shall not be practiced in a room or rooms used for sleeping or residential purposes; if hairdressing and beauty culture is practiced in a residence, the rooms shall be completely partitioned off from living quarters. Nor shall hairdressing and beauty culture be practiced in rooms used for business purposes unless such business is directly connected with beauty culture, or the sale of hair tonics, lotions, creams, toilet articles, and such commodities as are used and sold in beauty shops. Rooms used for hairdressing and beauty culture shall be equipped with hot and cold running water and with sewer connections. All sewage and other water carried wastes shall be discharged into a municipal sewage system whenever available. When such water and sewage system is not available, a water and sewage disposal system acceptable to the state commissioner of health or local board of health or local health authorities shall be provided. The location of such hairdressing and beauty culture operation shall comply with local zoning ordinances.

Subd. 2. All beauty shops shall be registered with the board by the owners thereof before commencing operations and annually, on or before June 30, upon blanks provided for such purposes by the board showing the names of the owners and the location of the shops. No shops shall be permitted to operate without a registration. The license and renewal fee for the registration shall be set by the board.

Subd. 3. Hairdressing and beauty culture shall be taught in a room or rooms not used for sleeping or residential purposes and such rooms must be equipped with sufficient hot and cold running water and with sewer connection to insure sanitation for all students in attendance. Textbooks and charts and proper equipment necessary to conduct a school efficiently must be maintained by the school.

**History:** 1927 c 245 s 2; 1933 c 264 s 1; 1941 c 490 s 1; 1949 c 502 s 1; 1959 c 467 s 1; 1963 c 215 s 1; 1976 c 222 s 108; 1977 c 305 s 45 (5846-28)

**155.04 BOARD OF EXAMINERS.**

For the purposes of this chapter, there is hereby created and established a board, to be known by the name and style of the Minnesota state board of cosmetology, which shall consist of four members, one of whom shall be a public member as defined by section 214.02, not more than two of whom shall reside in cities of the first class and all of whom shall reside in the state.

**History:** 1927 c 245 s 3; 1941 c 490 s 2; 1971 c 99 s 2; 1973 c 638 s 36; 1976 c 239 s 61 (5846-29)

**155.05 MEMBERS OF BOARD.**

The governor shall appoint the members of the board of cosmetology. Membership terms, compensation of members, removal of members, the filling of membership vacancies, and fiscal year and reporting requirements shall be as provided in sections 214.07 to 214.09. The provision of staff, administrative services and office space; the review and processing of complaints; the setting of board fees; and other provisions relating to board operations shall be as provided in chapter 214 and Laws 1976, Chapter 222, Sections 2 to 7. Three of such members shall have an official seal, shall have had five years of experience within the last seven years and practice in this state in the occupation and practices as named within this chapter, and shall be senior instructors or have the qualifications to take the examination therefor, prior to the first appointment. The board members shall be citizens of this state and not members of, nor affiliated with, any school approved and teaching the practices, as defined herein, while a member of the board, nor shall any two members of the board be graduates of the same school, or system of schools, teaching the practices, as defined herein. Each member of the board shall take the oath provided by law for public officers.

**History:** 1927 c 245 s 4; 1941 c 490 s 3; 1965 c 471 s 2; 1971 c 99 s 3; 1973 c 638 s 37; 1975 c 136 s 40; 1976 c 149 s 33; 1976 c 222 s 109 (5846-30)

**155.06 BOARD; ORGANIZATION, RULES, INSPECTIONS.**

Subdivision 1. The board shall each year elect from among its members a president, a vice-president, and a secretary-treasurer to serve until their successors are elected and have qualified. The board shall appoint such assistants, inspectors, and clerical help as it may deem necessary to perform the work of the board. The appointments shall be made in accordance with the rules to be adopted by the board and chosen upon the basis of experience, training, and general qualifications for the work. The board shall appoint an executive secretary who is not a member of the board and who shall be in the unclassified service.

Subd. 2. The board shall meet for the purpose of examining applicants for license and of examining and granting applications for license pursuant to the provisions of this chapter at times to be designated by the board. A quorum for the transaction of business of the board shall consist of three members of the board. The board shall have power to formulate rules for the proper administration of its business.

Subd. 3. Any member of the board, or its agents, assistants or inspectors shall have the authority to enter upon and inspect any beauty shop or beauty school at any time during business hours.

**History:** 1927 c 245 s 5; 1941 c 490 s 4; 1945 c 191 s 2; 1949 c 107 s 1,2; 1951 c 593 s 2; 1957 c 924 s 1; 1959 c 467 s 2; 1965 c 471 s 3,4; 1971 c 99 s 4; 1975 c 136 s 41,42; 1976 c 222 s 110,111 (5846-31)

**155.08 COMPENSATION OF BOARD MEMBERS.**

Each member of the board shall be compensated for each day spent on board activities.

**History:** 1927 c 245 s 7; 1941 c 490 s 6; 1945 c 191 s 3; 1951 c 593 s 1; 1959 c 467 s 3; 1971 c 99 s 5; 1975 c 136 s 43; 1976 c 222 s 112 (5846-33)

**155.09 APPLICANTS FOR EXAMINATION; LICENSE FEES.**

Subdivision 1. The board shall determine the qualifications of each applicant for examination on the following basis:

- (1) Such proof as the board, by rule, may require of good moral character;
- (2) Such proof as the board, by rule, may require that the applicant is free from contagious or infectious disease;
- (3) That the applicant is at least 16 years of age and has a tenth grade education or its equivalent;
- (4) That the applicant shall provide the board with a certificate from a school of beauty culture, approved by the board, as herein referred to and described, showing that the applicant has satisfactorily completed all the courses of instruction provided by this approved school, which certificate shall be signed and verified by the individual owner or owners of the approved school, if owned by an individual or partnership, or the proper and lawful officer, if a corporation;

In any case, before an applicant shall be eligible to receive such certificate, the applicant shall have received in accordance with the curriculum established by the board 1,500 hours of instruction in theory and practice in classes actually attended by him, except for manicuring only, 250 hours of instruction shall be deemed sufficient; and

- (5) Payment of an examination fee set by the board.

Subd. 2. Upon the determination by the board of the sufficiency of the qualifications of the applicants for examination as an operator, the board shall conduct theoretical examinations and practical examinations in accordance with rules promulgated and prescribed by the board.

Subd. 3. Such examination shall include both practical demonstrations and written or oral tests, which shall include business management, and shall not be confined to any specific system or method of hairdressing and beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this chapter. If a student shall fail to pass such examination, she shall be required to take further training before being admitted to another examination, such further training time shall be specified by the board but shall not exceed 200 hours, upon compliance with all provisions herein contained referring to schools together with compliance with the rules and regulations lawfully prescribed hereunder.

Subd. 4. A manager-operator may be licensed as such under this chapter upon the payment of a fee set by the board, provided that he has practiced as an operator under the supervision of a manager-operator in this state for at least one year and upon complying with all other requirements applicable to a manager-operator as provided for in this chapter.

Subd. 5. License renewal periods and fees shall be set by the board.

**History:** 1927 c 245 s 8; 1933 c 264 s 2; 1941 c 490 s 7; 1943 c 573 s 1; 1945 c 191 s 4; 1949 c 140 s 1,2; 1951 c 681 s 2,3; 1957 c 924 s 2; 1959 c 467 s 4; 1965 c 471 s 5,6; 1971 c 99 s 6,7; 1976 c 222 s 113-115 (5846-34)

**155.10** [ Repealed, 1965 c 471 s 10 ]

**155.11 SCHOOL; APPROVAL; INSTRUCTION.**

Subdivision 1. Any person, firm, or corporation desiring to establish a hair-dressing and beauty culture school shall apply to the board for a certificate of approval for such school, and to have such school rated by the board as an approved school in hairdressing and beauty culture and placed upon its list of such approved schools, upon complying with the following provisions: Each applicant, whether individual, firm, or corporation, shall, prior to the opening of such school, present to such board a verified application containing the following information:

(1) Full name of individual, firm, or corporation; including all the members, owners, partners, and directors of such firm or corporation and, if the corporation is a foreign corporation, or if the individual persons or partners applying for such certificate of approval are not residents of the state of Minnesota, then the application shall designate a resident agent for service;

(2) The past occupation of such individual or individuals, firms, or corporations and complete information concerning the occupations of the directors in the case of a corporation;

(3) A complete financial statement showing all the assets and liabilities of the applicant and, if the applicant is an individual or partnership, a complete financial statement showing all assets and liabilities of the individual or of the individual partners; and

(4) A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon receipt of an application for a certificate of approval, a notice of the filing of the application shall be published in the state register and once in the form prescribed by the board, at the expense of the applicant, in a newspaper published in the municipality in which the proposed school is to be located, or, if there is none in the municipality, in a newspaper published at the county seat of the county in which the school is proposed to be located. The board may grant or deny the certificate of approval 30 days after notice of the filing has been fully published. If the board receives a written objection to the application from any person within 20 days of the notice having been fully published, the certificate of approval shall be granted or denied only after a contested case hearing has been conducted on the application. The board may elect to hold a contested case hearing if no objections to the application are received. If a timely objection is not received and the certificate is denied without hearing, the applicant may request within 30 days of receiving the notice of denial, and shall be granted, a contested case hearing on the application.

Subd. 2. Each new school, before being initially approved, shall pay a fee set by the board. If approval for any reason is not granted, the fee shall be returned to the applicant for such registration.

All existing schools shall register with the board annually on or before June 30, 1949, and annually thereafter, upon blanks provided by the board. The registration shall show the name of the owner and the location of the school. The annual fee for registration shall be set by the board. There shall be one registration for each school accepted by the board. Each school or branch at each location shall be established to teach a complete course in the theory and practice of cosmetology, and no part of such course shall be offered at a separate location from the school without approval of the board.

Subd. 3. The board shall take into consideration the financial qualifications of the applicant and in no case shall the board grant a certificate of approval to any applicant if the applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the board that the applicant's financial resources will be ample to maintain and operate the school and

assure the graduation of students who are registered with and have paid their tuition to the school.

Subd. 4. If the applicant makes any false or fraudulent statements or in any way misrepresents or makes false statements in its application, the applicant shall be disqualified and no certificate of approval shall be granted to it by the board.

Subd. 5. Should any applicant, after receiving a certificate of approval from the board, be found guilty of committing fraud, the board shall have the authority to revoke and cancel the certificate of approval.

Subd. 6. The certificate of approval shall be transferable only to such persons, individuals, or corporations who shall make a showing to the board of financial responsibility, in the same manner as required of an original applicant.

Subd. 7. An approved school shall maintain upon its staff one full time competent and qualified senior instructor for each 20 students, or fraction thereof, and such school shall give and require a course of training and instruction of 1,500 hours of classroom work, divided into classified hours conforming with the curriculum issued by the board, these hours not to exceed eight hours per day, to include both practical instruction and study and recitation in sanitation, sterilization, and the use of antiseptic consistent with the practical and theoretical requirements as applicable to and as provided in this chapter, and shall comply with all rules and regulations relating to schools as in this chapter contained. Where the registrant in a school is enrolled for the entire beauty course, then the requirements set forth by this chapter relating to the hours of study in manicuring may be modified at the discretion of the board. All teachers of cosmetology shall be required to register with the board.

Subd. 7a. Any approved school may use occasional instructors or lecturers who would add to the general or specialized knowledge of the students, it being contemplated that such instructors or lecturers would come from the fields of science, pharmacology, medicine, law, salesmanship, psychology, public relations, or other business, art or profession.

Subd. 8. Any approved school shall display in the entrance reception room of its student section, a sign indicating that all work therein is done exclusively by students. Professional departments of any beauty school shall be run as an entirely separate and distinct business and apart from the school and the professional department shall have separate entrances thereto. The foregoing provision as to 1,500 hours shall not apply to students having duly enrolled in schools prior to the passage of this chapter.

Subd. 9. No school, duly approved under this chapter, shall refuse to teach any student, otherwise qualified, on account of race, creed, or color.

Subd. 10. All schools shall be inspected by the board at least once a year.

**History:** 1927 c 245 s 10; 1933 c 264 s 3; 1941 c 490 s 9; 1943 c 573 s 3; 1945 c 191 s 5; 1949 c 376 s 1; 1957 c 924 s 3,4; 1959 c 467 s 5,6; 1965 c 471 s 7,8; 1971 c 99 s 8; 1976 c 222 s 116; 1977 c 346 s 9,10 (5846-36)

### 155.12 CHARGES FOR STUDENT WORK.

Nothing contained in this chapter shall prevent any duly approved school teaching hairdressing and beauty culture from making a charge for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All of such student work shall be advertised and held forth as being student work and not otherwise.

**History:** 1927 c 245 s 11 (5846-37)

**155.13 SHOPS; HEALTH AND SANITARY RULES.**

In the conduct and operation of a hairdressing and beauty culture shop or school the following health and sanitary rules shall be complied with:

- (1) All premises and contents thereof shall be maintained in a clean and sanitary condition;
- (2) Hair brushes, combs, and any and all instruments used must be cleaned and sterilized after using on each customer or patron;
- (3) Each and every operator, manager-operator, or student of and in any hairdressing and beauty culture shop or school shall use separate and clean towels for application upon each customer or patron and shall wash their hands with soap and hot water and clean their fingernails before working upon each customer or patron; no towel or other linen shall be used upon more than one customer or patron until freshly laundered;
- (4) No operator, manager-operator, or student shall knowingly work upon or permit any person to be served in any of the hairdressing and beauty culture practices in any shop or school who is afflicted in a dangerous or infectious stage of erysipelas, eczema, impetigo, or other visible skin diseases.

**History:** 1927 c 245 s 12 (5846-38)

**155.14 PRACTITIONERS FROM OTHER STATES.**

Subdivision 1. The board may dispense with and waive the examination for license upon the application of any person who is able to furnish documentary evidence and proof of having lawfully practiced in another state, territory, District of Columbia or foreign country for a period of at least two years prior to the time of such application for license in Minnesota, upon the payment of the fee as set by the board for license as provided in this chapter.

Subd. 2. The board may waive the requirement related to practical experience in this state as specified in section 155.09, subdivision 4, for manager-operators. No waiver shall be allowed, however, unless the following conditions are met:

- (a) The applicant has a current valid cosmetology related license from a state, territory, the District of Columbia, or a foreign country that has licensing requirements substantially similar to this state's requirements; and,
- (b) The applicant is able to furnish documentary evidence of having lawfully performed as a manager-operator or its equivalent in a state, territory, the District of Columbia, or foreign country for a period of at least two years, one year of which was within the two years immediately preceding the date of application.

Nothing in this subdivision prohibits the board from requiring an examination for license of a manager-operator even if the board waives the requirement of practical experience in this state.

**History:** 1927 c 245 s 13; 1941 c 490 s 10; 1951 c 681 s 4; 1971 c 99 s 9; 1976 c 222 s 117; 1980 c 614 s 94 (5846-39)

**155.15 LICENSES; DISPLAY, RENEWAL.**

Every holder of a license granted by the board, as provided in this chapter, shall display it in a conspicuous place in his place of business. All licenses shall expire on the date each year as set forth, unless renewed as herein provided. The holder of a license issued by the board shall renew his license and pay the renewal fee as prescribed by the board. If such license is not renewed on or before the designated date, such licensee shall pay a penalty in addition to the renewal fee of a license. In the event that such renewal shall be applied for more than three months subsequent to the expiration date of the last license,

then such applicant shall be required to take an examination in the same manner as if no license had ever been issued.

**History:** 1927 c 245 s 15; 1933 c 264 s 4; 1941 c 490 s 11; 1943 c 573 s 4; 1951 c 681 s 6; 1965 c 471 s 9; 1976 c 222 s 118 (5846-41)

### 155.16 LICENSES, CERTIFICATES; GRANTING, REVOKING, SUSPENDING.

The board shall have the following additional powers:

(1) It may refuse to grant or may revoke or suspend a license or certificate to a person guilty of a fraud in taking the examination herein provided for, or shall at any time be found guilty of a felony, or of gross immorality, or grossly unprofessional or dishonest conduct, or shall be addicted to the excessive use of intoxicating liquors, or the use of drugs to such an extent as to render the licensee or applicant unfit to practice in any of the occupations defined in this chapter, or to a person found by the board to have knowingly engaged in advertising by means of false or deceptive statements, or for the failure to display his license in a conspicuous place in his place of business; and

(2) It may refuse, revoke or suspend licenses or certificates provided for in this chapter, upon proof of the violation of any section of this chapter; and

(3) It may revoke or suspend licenses or applications for practicing while having any contagious or infectious disease, or for gross incompetency; or it may revoke or suspend the license or application of any manager-operator or operator who permits an unlicensed operator to work upon a customer or patron in any shop or shops.

Any person whose license or certificate has been so revoked, suspended, or refused may on written application to the board have the same reissued to him or the suspension lifted upon satisfactory showing that the disqualification has ceased.

**History:** 1927 c 245 s 16; 1941 c 490 s 12; 1951 c 681 s 5; 1976 c 222 s 119 (5846-42)

### 155.17 NOTICE OF BOARD MEETINGS.

Notice of meetings of the board at which applicants or licensed practitioners are to appear shall be published once each week for three consecutive weeks before the date of such meetings in a daily newspaper in each city of the first class.

**History:** 1927 c 245 s 17; 1971 c 99 s 10 (5846-43)

### 155.18 EXPENSES.

Subdivision 1. Expenses of administering sections 155.01 to 155.21 shall be paid from the appropriations made to the Minnesota state board of cosmetology. These funds shall be disbursed by the board only on the order of the president of the board and in payment of expenses lawfully incurred and approved by the board and with the approval of the department of administration in these cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee.

Subd. 2. All money available to the board shall be subject to section 16A.125.

**History:** 1927 c 245 s 18; 1941 c 490 s 13,15; 1945 c 191 s 6; 1965 c 51 s 20; 1973 c 638 s 38; 1976 c 222 s 120 (5846-44)



**155.19 SERVICES EXCEPTED; EMERGENCY.**

Nothing in this chapter shall prohibit services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor services by persons authorized and licensed under the laws of this state to practice medicine, surgery, dentistry, podiatry, osteopathy, chiropractic, or barbering. This section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner. This section shall not be construed to permit a barber to practice barbering in a beauty shop.

**History:** 1927 c 245 s 19; 1961 c 369 s 2; 1974 c 62 s 3; 1976 c 222 s 121 (5846-45)

**155.20 REQUISITES FOR PRACTICE OUTSIDE OF PLACES OF BUSINESS.**

Subdivision 1. Nothing contained in this chapter, notwithstanding any provision contained in section 155.03, shall be construed to prohibit a licensed operator under the provisions of this chapter, who has had experience and practice for a period of one year or more, from engaging in any practices defined in section 155.02 in the homes of customers or patrons, under such sanitary and health rules and regulations as may be prescribed and set down by the state commissioner of health and the board provided for in this chapter.

Subd. 2. Any person practicing hairdressing and beauty culture outside of or away from a place of business shall carry with him a certificate of identification which must be shown to a person upon whom hairdressing and beauty culture work is being performed. Said certificate of identification shall contain the signature of the operator, his post office address, the number and date of his license, and place of business where such operator regularly is employed. The board shall issue such certificate over the signature of the executive secretary of said board upon demand by any person entitled thereto.

**History:** 1927 c 245 s 20; 1945 c 191 s 7; 1976 c 222 s 122; 1977 c 305 s 45 (5846-46)

**155.202** [ Repealed, 1951 c 681 s 7 ]

**155.203** [ Repealed, 1965 c 471 s 10 ]

**155.205 APPOINTMENT OF AGENT FOR SERVICE OF PROCESS.**

Any person, firm, partnership, or corporation, not a resident of Minnesota, who engages in Minnesota in the practices hereinbefore set forth shall file with the board the name and address of a duly authorized agent for service of legal process, which agent for service shall be a resident of the state of Minnesota.

**History:** 1941 c 490 s 14

**155.21 VIOLATIONS; PENALTIES.**

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

**History:** 1927 c 245 s 21 (5846-47)