

## CHAPTER 154

## BARBERS

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**154.01 REGISTRATION MANDATORY.**

(a) No person shall practice, offer to practice, or attempt to practice barbering without a current certificate of registration as a registered barber, issued pursuant to provisions of this chapter by the board of barber examiners.

(b) No person shall serve, offer to serve, or attempt to serve as an apprentice under a registered barber without a current certificate of registration as a registered apprentice or temporary apprentice permit issued pursuant to provisions of this chapter by the board of barber examiners. The registered apprentice shall, prior to or immediately upon issuance of the apprentice's certificate of registration, and immediately after changing employment, advise the board of the name, address, and certificate number of the registered barber under whom the registered apprentice is working.

(c) No person shall operate a barber shop unless it is at all times under the direct supervision and management of a registered barber and the owner or operator of the barber shop possesses a current shop registration card, issued under this chapter by the board of barber examiners.

(d) No person shall serve, offer to serve, or attempt to serve as an instructor of barbering without a current certificate of registration as a registered instructor of barbering or a temporary permit as an instructor of barbering, as provided for the board by rule, issued under this chapter by the board of barber examiners.

(e) No person shall operate a barber school unless the owner or operator possesses a current certificate of registration as a barber school, issued under this chapter by the board of barber examiners.

*History: 1991 c 282 s 1*

**154.03 APPRENTICES MAY BE EMPLOYED.**

A registered apprentice may practice barbering only if the registered apprentice is, at all times, under the immediate personal supervision of a registered barber and is in compliance with this chapter and the rules of the board.

*History: 1991 c 282 s 2*

**154.04 PERSONS EXEMPT FROM REGISTRATION.**

The following persons are exempt from the provisions of this chapter while in the proper discharge of their professional duties:

- (1) persons authorized by the law of this state to practice medicine, surgery, osteopathy, and chiropractic;
- (2) commissioned medical or surgical officers of the United States armed services;

(3) registered nurses, licensed practical nurses, and nursing aides performing services under the direction and supervision of a registered nurse, provided, however, that no additional compensation shall be paid for such service and patients who are so attended shall not be charged for barbering;

(4) persons practicing beauty culture, provided, however, that persons practicing beauty culture shall not hold themselves out as barbers or, except in the case of manicurists, practice their occupation in a barber shop.

**History:** 1991 c 282 s 3

#### **154.05 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED BARBER.**

A person is qualified to receive a certificate of registration as a registered barber:

- (1) who is qualified under the provisions of section 154.06;
- (2) who has practiced as a registered apprentice for a period of 12 months under the immediate personal supervision of a registered barber; and
- (3) who has passed an examination conducted by the board to determine fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass the examination conducted by the board shall continue to practice as an apprentice for an additional two months before being again entitled to take the examination for a registered barber.

**History:** 1991 c 282 s 4

#### **154.06 WHO MAY RECEIVE CERTIFICATES OF REGISTRATION AS A REGISTERED APPRENTICE.**

A person is qualified to receive a certificate of registration as a registered apprentice:

- (1) who has completed at least ten grades of an approved school;
- (2) who has graduated from a barber school approved by the board; and
- (3) who has passed an examination conducted by the board to determine fitness to practice as a registered apprentice.

An applicant for a certificate of registration to practice as an apprentice who fails to pass the examination conducted by the board is required to complete a further course of study of at least 500 hours, of not more than eight hours in any one working day, in a barber school approved by the board.

A certificate of registration of an apprentice shall be valid for four years from the date the certificate of registration is issued by the board and shall not be renewed. During such four-year period the certificate of registration shall remain in full force and effect only if the apprentice complies with all the provisions of this chapter, as amended, including the payment of an annual fee, and the rules of the board.

If any registered apprentice shall, during the term in which the certificate of registration is in effect, enter full time active duty in the armed forces of the United States of America, the expiration date of the certificate of registration shall be extended by a period of time equal to the period or periods of active duty.

**History:** 1991 c 282 s 5

#### **154.065 BARBER SCHOOLS AND COLLEGES.**

Subdivision 1. [Repealed, 1991 c 282 s 23]

Subd. 2. **Qualifications.** A person is qualified to receive a certificate of registration as an instructor of barbering who:

- (1) is a graduate from an approved high school, or its equivalent, as determined by examination by the department of education;
- (2) has qualified for a teacher's or instructor's vocational certificate;

(3) has at least three years experience as a registered barber in this state, or its equivalent as determined by the board; and

(4) has passed an examination conducted by the board to determine fitness to instruct in barbering.

A certificate of registration under this section is provisional until a teacher's or instructor's vocational certificate has been issued by the department of education. A provisional certificate of registration is valid for 30 days and is not renewable.

Subd. 3. [Repealed, 1991 c 282 s 23]

Subd. 4. **Examinations.** Examinations under this section shall be held not to exceed twice a year at times and at a place or places to be determined by the board. In case of an emergency, there being no registered instructor of barbering available, a temporary certificate as an instructor of barbering, valid only until the results of the next examination are released, may be issued upon such terms and conditions as the board may prescribe.

Subd. 5. [Repealed, 1991 c 282 s 23]

Subd. 7. [Repealed, 1991 c 282 s 23]

Subd. 8. [Repealed, 1991 c 282 s 23]

**History:** 1991 c 282 s 6,7

#### 154.07 BARBER SCHOOLS; REQUIREMENTS.

Subdivision 1. **Admission requirements; course of instruction.** No barber school shall be approved by the board unless it requires, as a prerequisite to admission thereto, ten grades of an approved school or its equivalent, as determined by an examination conducted by the board of education, which shall issue a certificate that the student has passed the required examination, and unless it requires, as a prerequisite to graduation, a course of instruction of at least 1,500 hours, of not more than eight hours in any one working day; such course of instruction to include the following subjects: scientific fundamentals for barbering, hygiene, practical study of the hair, skin, muscles, and nerves, structure of the head, face, and neck, elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands, massaging and manipulating the muscles of the face and neck, haircutting, shaving, and trimming the beard; bleaching, tinting and dyeing the hair, and the chemical straightening of hair.

Subd. 2. [Repealed, 1991 c 282 s 23]

Subd. 3. **Costs.** It shall be permissible for barber schools to make a reasonable charge for materials used and services rendered by students for work done in such schools by students.

Subd. 3a. **Number of instructors.** There shall be one registered instructor of barbering for every 17 students or minor fraction in excess of 17. No instruction shall be performed by persons not possessing a certificate of registration as an instructor of barbering or a temporary permit as an instructor of barbering.

*[For text of subd 4, see M.S.1990]*

Subd. 5. **Owner's requirements.** Any person may own and operate a barber school if the person has had six years' continuous experience as a barber, provided the person first secures from the board an annual certificate of registration as a barber school, keeps it prominently displayed, and before commencing business:

(1) files with the secretary of state a bond to the state approved by the attorney general in the sum of \$25,000, conditioned upon the faithful compliance of the barber school with all the provisions herein, and to pay all judgments that may be obtained against the school, or the owners thereof, on account of fraud, misrepresentation, or deceit practiced by them or their agents; and

(2) keeps prominently displayed on the exterior a substantial sign indicating that the establishment is a barber school.

Subd. 5a. **Student permits.** All barber schools upon receiving students shall imme-

diately apply to the board for student permits upon forms for that purpose furnished by the board.

**Subd. 5b. Designated operator.** When a person who owns a barber school does not meet the requirements of this section to operate a barber school, the owner shall notify the board in writing and under oath of the identity of the person designated to operate the barber school and shall notify the board of any change of operator by telephone within 24 hours of such change, exclusive of Saturdays, Sundays, and legal holidays, and shall notify the board in writing and under oath within 72 hours of such change.

**Subd. 6. Operation by technical college or state institution.** A public technical college or a state institution may operate a barber school provided it has in its employment a qualified instructor holding a current certificate of registration as a barber instructor and provided that it secures from the board of barber examiners an annual certificate of registration and does so in accordance with this chapter and the rules of the board for barber schools but without the requirement to file a performance bond with the secretary of state.

**History:** 1991 c 282 s 8-12

**154.085** [Repealed, 1991 c 282 s 23]

#### **154.09 EXAMINATIONS, CONDUCT AND SCOPE.**

The board shall conduct examinations of applicants for certificates of registration to practice as barbers and apprentices not more than six times each year, at such time and place as the board may determine. An affidavit shall be filed with the board by the proprietor of a barber school that students applying to take the apprentice examination have completed 1,500 hours in a barber school registered with the board.

The examination of applicants for certificates of registration as barbers and apprentices shall include both a practical demonstration and a written and oral test and embrace the subjects usually taught in barber schools registered with the board.

**History:** 1991 c 282 s 13

#### **154.10 APPLICATION; CERTIFICATES OF REGISTRATION; FEES.**

**Subdivision 1. Application.** Each applicant for an initial certificate of registration shall make application to the board on forms prepared and furnished by the board with proof under oath of the particular qualifications of each applicant. This application shall be accompanied by a fee prescribed by law or the rules of the board to defray the expenses of making investigation and for the examination of such applicant.

**Subd. 2. Certificates of registration; fees.** When the provisions of this chapter have been complied with, the board shall issue a certificate of registration as a registered barber, as a registered apprentice, as a registered instructor of barbering, or as a registered barber school, a temporary apprentice permit, a temporary permit as an instructor of barbering, or a shop registration card upon payment of the required fee. Certificates of registration, temporary permits, and shop registration cards are not transferable.

**History:** 1991 c 282 s 14

#### **154.11 EXAMINATION OF NONRESIDENT BARBERS AND INSTRUCTORS OF BARBERING; TEMPORARY APPRENTICE PERMITS.**

**Subdivision 1. Examination of nonresidents.** A person who meets all of the requirements for licensure in this chapter and either has a license, certificate of registration, or an equivalent as a practicing barber or instructor of barbering from another state or country which in the discretion of the board has substantially the same requirements for licensing or registering barbers and instructors of barbering as required by this chapter or can prove by sworn affidavits practice as a barber or instructor of barbering in another state or country for at least five years immediately prior to making application in this state, shall, upon payment of the required fee, be called by the board for examination to determine fitness to receive a certificate of registration to practice barbering or to instruct in barbering.

Subd. 2. **Temporary apprentice permits for nonresidents.** Any person who qualifies for examination as a registered barber under this section may apply for a temporary apprentice permit which is effective no longer than six months. All persons holding a temporary apprentice permit are subject to all provisions of this chapter and the rules adopted by the board under it concerning the conduct and obligations of registered apprentices.

**History:** 1991 c 282 s 15

#### 154.12 EXAMINATION OF NONRESIDENT APPRENTICES.

A person who meets all of the requirements for licensure in this chapter who has a license, a certificate of registration, or their equivalent as an apprentice in a state or country which in the discretion of the board has substantially the same requirements for registration as an apprentice as is provided by this chapter shall, upon payment of the required fee, be called by the board for examination to determine fitness to receive a certificate of registration as an apprentice. A person failing to pass the required examination must conform to the requirements of section 154.06 before being permitted to take another examination.

**History:** 1991 c 282 s 16

#### 154.13 [Repealed, 1991 c 282 s 23]

#### 154.14 CERTIFICATES OF REGISTRATION AND TEMPORARY PERMITS TO BE DISPLAYED.

Every holder of a certificate of registration as a registered barber or registered apprentice or temporary apprentice permit shall display it in a conspicuous place adjacent to or near the chair where work is performed. Every holder of a certificate of registration as an instructor of barbering or as a barber school, of a temporary permit as an instructor of barbering, and of a shop registration card shall display it in a conspicuous place accessible to the public.

**History:** 1991 c 282 s 17

#### 154.15 CERTIFICATES OF REGISTRATION MUST BE RENEWED ANNUALLY.

Subdivision 1. **Annual renewal required.** All registered barbers, registered apprentices, and registered instructors of barbering who continue in active practice or service shall, on or before December 31 each year, renew their certificates of registration for the following year and pay the required fee. Every certificate of registration which has not been renewed during the month of December in any year shall expire on the thirty-first day of December in that year. All shop registration cards shall be renewed on or before June 30 of each year upon payment of the required fee. All certificates of registration as a barber school shall be renewed on or before December 31 of each year upon payment of the required fee.

Subd. 2. **Effect of failure to renew.** A registered barber or a registered apprentice who has not renewed a certificate of registration may be reinstated within one year of such failure to renew without examination upon the payment of the required restoration fee. A registered instructor of barbering who has not renewed a certificate of registration may be reinstated within three years of such failure to renew without examination upon payment of the required restoration fee. All registered barbers and registered apprentices who allow their certificates of registration to lapse for more than one year shall be required to reexamine before being issued a certificate of registration. All registered instructors of barbering who allow their certificates of registration to lapse for more than three years shall be required to reexamine before being issued a certificate of registration.

**History:** 1991 c 282 s 18

**154.16 CAUSES FOR DISCIPLINE.**

The board may either refuse to issue or renew, or may suspend or revoke any certificate of registration, temporary permit, or shop registration card or censure a holder of a certificate of registration, a temporary permit, or a shop registration card for any one or combination of the following causes:

- (1) malpractice or incompetency;
- (2) practice by a person having an infectious or contagious disease;
- (3) advertising by means of false or deceptive statements;
- (4) drunkenness or indulgence in the use of drugs, including but not limited to narcotics as defined in either United States Code, title 26, section 4731, or Minnesota Statutes, section 152.01, barbiturates, amphetamine, benzedrine, dexedrine, or other sedatives, depressants, stimulants, or tranquilizers;
- (5) unprofessional conduct or practice and conduct or practice which violates the provisions of chapter 186;
- (6) violation of any provision of this chapter or the rules of the board;
- (7) permitting any person in one's employ, supervision, or control to practice as a registered barber, registered apprentice, or registered instructor of barbering unless that person has a current certificate of registration as a registered barber, registered apprentice, or registered instructor of barbering, a temporary apprentice permit, or a temporary permit as an instructor of barbering;
- (8) obtaining or attempting to obtain a certificate of registration, temporary permit, or shop registration card for money other than the required fee, or any other thing of value, or by misrepresentation;
- (9) practicing, offering to practice, or attempting to practice by misrepresentation;
- (10) failure to display a certificate of registration as required by section 154.14;
- (11) using any room or place for barbering which is also used for any purpose or use which violates the board's sanitary rules;
- (12) failure or refusal of any barber, apprentice, or other person working in or in charge of any barber shop, or any person in a barber school engaging in the practice of barbering, to use separate and clean towels for each customer or patron, or to discard and launder each towel after once being used;
- (13) failure or refusal by any barber or other person in charge of any barber shop or barber school to supply clean hot and cold water in quantities necessary to conduct the shop or the barbering service of the school, in a sanitary manner, or the failure or refusal of the person to have water and sewer connections from the shop or barber school with municipal water and sewer systems where the latter are available for use, or the failure or refusal of the person to maintain a receptacle for hot water of a capacity of not less than five gallons;
- (14) failure to respond to any communication from the board or from the attorney general on behalf of the board, the refusal to permit the board to make any inspection permitted or required by this chapter, or the failure to provide the board or the attorney general on behalf of the board with any documents or records requested;
- (15) failure to promptly renew any certificate of registration or shop registration card when remaining in practice, failure to pay the required fees, or issuance of a worthless check to the board;
- (16) failure to supervise a registered apprentice or temporary apprentice or permitting a person not registered with the board or holding a temporary permit to practice barbering;
- (17) refusal to serve a customer because of race, color, creed, religion, disability, national origin, or sex;
- (18) failure to comply with any other provision of this chapter or of the rules of the board; and
- (19) failure to comply with chapter 141 or any other chapter relating to barber schools.

**History:** 1991 c 282 s 19

**154.165 SUMMARY SUSPENSION.**

The board may, in the public interest, temporarily suspend any certificate of registration, temporary permit, or shop registration card pending final determination of an order for hearing. Service of the temporary suspension order is effective if the order is served on the licensee or counsel of record personally or by first class mail to the most recent address provided by the licensee or counsel of record to the board.

Where the board has temporarily suspended a certificate of registration, temporary permit, or shop registration card, a hearing on the merits shall be held within 45 days of the issuance of the temporary suspension order. The administrative law judge shall make findings of fact, conclusions of law, and a recommendation to the board within 30 days of the date of the conclusion of the hearing. The board shall issue its findings of fact, conclusions of law, and order within 30 days of receipt of the administrative law judge's report and any exceptions to it.

Upon written request within ten days of service of the order, the board shall hold a hearing before its own members on the sole issue of whether there is a reasonable basis to continue, modify, or vacate the temporary suspension order. Evidence presented shall be in affidavit form only. The licensee or counsel of record and board staff may appear for oral argument. The board shall issue its order within five working days after the hearing.

**History:** 1991 c 282 s 20

**154.17** [Repealed, 1991 c 282 s 23]

**154.18 FEES.**

The fees collected, as required in this chapter, chapter 214, and the rules of the board, shall be paid in advance to the executive secretary of the board. The executive secretary shall deposit the fees in the state treasury, to be disbursed by the executive secretary on the order of the chair in payment of expenses lawfully incurred by the board.

**History:** 1991 c 282 s 21

**154.22 BOARD OF BARBER EXAMINERS CREATED; TERMS.**

A board of barber examiners is established to consist of four members appointed by the governor. Three of such members shall be persons who have practiced as a registered barber in this state for at least five years immediately prior to their appointment; shall be graduates from the 12th grade of a high school or have equivalent education, and shall have knowledge of the matters to be taught in registered barber schools, as set forth in section 154.07. The remaining member of the board shall be a public member as defined by section 214.02. One of the members shall be a member of, or recommended by, a union of journeymen barbers which shall have existed at least two years, and one shall be a member of, or recommended by, a professional organization of barbers.

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.

Members appointed to fill vacancies caused by death, resignation, or removal shall serve during the unexpired term of their predecessors.

**History:** 1991 c 199 art 1 s 47; 1991 c 282 s 22