

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

October 4, 1988

RICHARD G. GOMSRUD
Commerce Department

JULIE A. LEPPINK
Special Assistant
Attorney General

6-9422

In the Matter of the Adopted Rule Relating to Cosmetology

The above-refernced rule has been approved as to its legality by the Attorney General on October 4, 1988.

Enclosed is the agency's copy of the approved rule. This office has already filed two copies with the Secretary of State who will forward one copy to the Revisor of Statutes. The fourth is being retained by this division of the Attorney General's Office for its records.

Also enclosed are any petitions, requests, submission or comments received by the agency and any extra copies of documents which the agency submitted to the Attorney General.

In order for a permanent rule without a hearing to become effective, your agency must publish a notice of adoption in the State Register in accoradance with Minn. Stat. §14.27. An emergency rule becomes effective five working days after approval by the Attorney General; however, the agency must publish a notice in the State Register in accordance with Minn. Stat. §14.34.

If you have any questions in this regard, please contact me.

JAL:rer

Enclosures

cc: Maryanne Hruby
Executive Director
Legislative Commission to Review
Administrative Rules

Duane Harves
Chief Administrative Law Judge
Office of Administrative Hearings

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1496 Docket No. 05.0009.0118

RESUBMISSION DATE 9/20/88
DATE DUE

ADOPTED W/O HEARING ✓
EMERGENCY RULE

APPROVED 9/20/88
DISAPPROVED
WITHDRAWM

REVISOR APPROVED
REVISOR DISAPPROVED
FILED W/SEC. STATE 10/3/88
RETURNED TO AGENCY 10/4/88

_____ **Does the revision raise significant new legal issues?**

_____ Review date

_____ Rule as adopted (4 copies)

_____ Supplemental Findings of Fact, Conclusions & Order Adopting

_____ Board's Supplemental Resolution Adopting

_____ Notice of submission to Attorney General

_____ Affidavit of Mailing Notice to Attorney General

RULE REVIEW CHECKLIST

File No. 14 5 | Docket No. 05-0009-0118

DATE RECEIVED 6-17-88 | ADOPTED W/O HEARING ✓

REVIEW DATE 6-~~27~~-88 | EMERGENCY RULE _____

DUE DATE 7-1-88 | REVISOR APPROVED _____

APPROVED _____ | REVISOR DISAPPROVED _____

DISAPPROVED _____ | FILED W/SEC. OF STATE _____

WITHDRAWN _____ | RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

✓ Notice to Solicit Outside Information/Opinion (if applicable)

6/22/87 Date published in State Register
_____ Comments

_____ ~~Petition for Adoption of a Rule (if applicable)~~

~~✓~~ ~~Board's Authorizing Resolution~~

_____ ~~Date adopted~~

✓ Proposed Rule

_____ Revisor's Certificate (in the mail)

✓ Notice of Intent to Adopt Rule

45.023 + 155.05 Statutory Authority
yes Small Business Statement
no Expenditure of public money statement
yes Signature

✓ Statement of Need and Reasonableness (if applicable)

yes Small Business Statement
NO Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

11/4/88 Date (30)/25 days before adoption
yes Notice attached
yes Copy of rule or summary attached

✓ Publication in State Register

1/25/88 Date (30)/25 days before adoption

_____ 180-day deadline from:

2/13/88 end of comment period (§ 14.26) (rules without hearing)

_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

_____ ~~Resolution Adopting~~

_____ ~~Date adopted~~

✓ Findings of Fact, Conclusions & Order Adopting

5/26/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Dick Gomsrud Name of SAAG representing agency

_____ ~~Notice of Submission to Atty. Gen. (if applicable)~~

_____ ~~Aff. of Mailing Notice to Atty. Gen. (if applicable)~~

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology

Rules as Adopted

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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 parts 2640.0100 to 2640.9200.

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Approved by Revisor

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 60 days of the change.

C. The licensee shall renew the license before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon is clearly identified as a beauty salon by a

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conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons, temporary exemptions.** Salons licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

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2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom

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size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and

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experience of 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the

Approved by Revisor _____

license requirements;

(4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to M, S, T, and W. In addition:

A. to F. [Unchanged.]

Approved
by Revisor _____

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25~~;~~

~~(3) Reinstatement fee, $30~~.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions

Approved by Revisor _____

of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

OCT 3 1988

Joan Anderson Growe

Secretary of State

2:05 pm

APPROVED AS TO FORM AND LEGALITY

Sept 26 19 88

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Julie A. Seppanen

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

In the Matter of the Proposed Rules Regarding Cosmetology

FINDINGS OF FACT CONCLUSIONS & ORDER OF ADOPTION

Notice of the Commissioner's proposed adoption of the above entitled rules without public hearing was published in the State Register on January 25, 1988. On January 14, 1988 the Department of Commerce sent copies of the Notice by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, Section 14.14, subdivision 1, paragraph (a) and 14.22.

All persons were given the opportunity to submit comments on the rule for thirty days after notice of proposed rulemaking. Less than twenty-five persons submitted requests for hearing within the thirty day comment period.

Based upon the comments and evidence on the record I find the following: That part 2640.9200 B (3) is a fee which should not be adopted through this rulemaking process and is therefore withdrawn. As to the balance of the above captioned rules, they are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as the Rules Relating to Cosmetology, as modified above, are adopted this 29th day of August, 1988 pursuant to the authority vested in me by Minnesota Statutes, Section 155A.05.

MICHAEL A. HATCH
Commissioner of Commerce

Dated this 29th day
of August 1988.

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

In the Matter of the Proposed Rules Regarding Cosmetology

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MICHAEL A. HATCH
Commissioner of Commerce

Dated this 29th day
of August 1988.

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

In the Matter of the Proposed Rules Regarding Cosmetology

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MICHAEL A. HATCH
Commissioner of Commerce

Dated this 29th day
of August 1988.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Commerce

DATE : 6/16/88

TO : Marty Cassedy

FROM : Richard G. Gomsrud

PHONE : 296-5689

SUBJECT : Cosmetology Rule

RECEIVED

JUN 17 88

ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

Enclosed are copies of the following materials regarding the above captioned rules:

1. Notice of Intent to Solicit Outside Opinion as published in State Register (2010.0300 A)
2. Copy of the Proposed Rules with Revisor's Certificate (2010.0300 D)
3. Notice of Intent to Adopt Rule Without Public Hearing (2010.0300 E)
4. Statement of Need and Reasonableness (2010.0300 F)
5. Affidavit of Mailing Notice of Intent to Adopt Rule Without Public Hearing (2010.0300 G)
6. Copy of Notice of Intent to Adopt Rule Without Public Hearing and Rules as published in the State Register (2010.0300 H)
7. Four copies of Rule as adopted (2010.0300 I)
8. Findings of Fact, Conclusions & Order Adopting Rule (2010.0300 K)
9. Written Comments, Submission & Requests on Rule (2010.0300 L) None
10. Declaration of Attorney General (2010.0300 M)
11. Notice of Submission to Attorney General (2010.0300 N) N/A
12. Affidavit of Mailing Notice of Submission to Attorney General (2010.0300 O) N/A

Documents wants to republish these rules so if you could expedite the review it would be appreciated.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL/Commerce Div.

DATE : June 22, 1988

TO : MARTHA J. CASSERLY
Special Assistant
Attorney General

FROM : ALLEN E. GILES
Special Assistant
Attorney General

PHONE : 296-9417

SUBJECT : Cosmetology Rules

Enclosed is the Declaration of Counsel in connection with the above entitled rules. Call me or Dick Gomsrud if you have questions.

AEG/pas
Attachment
cc: Richard Gomsrud

RECEIVED
JUN 23 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

In the Matter of the Proposed Adoption of Amendments to the Rules Relating to Cosmetology.

DECLARATION OF COUNSEL

I, Allen E. Giles Special Assistant Attorney General, do hereby declare that I have examined the above-captioned rule, and the supporting rulemaking record, and that, based on my examination, the Administrative Procedure Act and Minnesota Rules, chapter 2010 have been followed. Any exceptions are listed below. For Attorney General billing purposes the four digit docket client code is 25.7A17.0118.

Allen E. Giles

ALLEN E. GILES

RECEIVED
JUN 23 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

In The Matter of the Proposed
Amendments to Rules Relating
to Cosmetology

Supplement to the
Statement of Need and
Reasonableness

The authority for the adoption of the amendments is set forth in Minnesota Statutes Section 155A.05. The amendments conclude a process started several years ago to make the rules simpler and more practical. Two prior rulemaking proceedings have been concluded, one dealing with the cosmetology schools and the other with the salons. The primary purpose of this proceedings is to correct minor errors and inconsistencies that resulted from the prior proceedings or to clairify certain matters which were left unclear in those rule changes.

Amendments to the Cosmetology Rules

State of Minnesota
Department of Commerce
Office of the Commissioner

Statement of Need and Reasonableness

Minnesota Rules 2640.0100. DEFINITIONS.

Subpart 2. Accommodate or to be accommodated. The added wording is for clarification.

Subpart 13. Demonstration. The following 2640.0100 -2640.9200 has been added to clarify that retail sales are exempt from the Rules of the Cosmetology licensed industry.

Minnesota Rules 2640.1100. EXAMINATION ADMINISTRATION.

Subpart 3-B. Instructor Examination. Words deleted for clarification. Also the elimination of several words concerning the models signing a waiver for the practical exam as no chemicals are used during the demonstration -- only water - consequently, there would be no need for liability insurance.

Minnesota Rules 2640.1700. LICENSED RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 3. Evidence of Experience. Wording changed for clarification. All cosmetologists that have been licensed for 3 or more years must prove experience - whether they be applying for reciprocity license or Minnesota candidates applying for renewal.

Minnesota Rules 2640.3300. MAINTAINING A SALON LICENSE.

B. 30 days must be changed to 60 days--a typographical error that should have been changed to be consistant with rule 2640.3600., Subpart 4 during the January, 1985 rule revision process.

C. "Prior to" changed to before for clarification.

Minnesota Rules 2640.3500. DELINQUENT SALON LICENSES.

Subpart 1. "Prior to" changed to before for clarification.

Subpart 2. Renewal.

"Application" has been deleted as the salon owner has a 30 day grace period to renew license. Late penalty fees have been repealed in the Fee Schedule 2640.9100. A processing fee has been added as it clarifies what the fee is used for...(processing the late renewal).

Minnesota Rules 2640.4100. SPECIFIC TYPES OF SALON LICENSE.

Subpart 2. Beauty Salon and Barber Shop. The words in this rule were deleted as they were confusing and unecessary.

Minnesota Rules 2640.5100. COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 3. Senior Instructor Licenses. Added Subpart 2, Item B for clarification of rule.

Subpart 6. Salon Temporary Exemptions. Deleted "and booths" as there are no longer booth licenses.

Minnesota Rules 2640.5200. SCHOOL LICENSURE.

Subpart 4. Surety Bond. Added verbage to definitely exempt public State cosmetology facilities from a surety bond coverage.

Minnesota Rules 2640.5500. DELINQUENT SCHOOL LICENSES.

Words "prior to" deleted and before added for clarification.

A. "Application" has been deleted as the school owner has a 30-day grace period. This makes it consistant with Rule 2640.3500., Subpart 2.

B. Words "shall be" deleted and is added for clarification.

Minnesota Rules 2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1-B. Typographical error 2700 to 2,700.

Subpart 1-C. Esthetician added to rule--an oversight from the rule revision process of April, 1986.

Minnesota Rules 2640.6000. PHYSICAL REQUIREMENTS.

Subpart 1. Space.

A. "Department" changed back to office in this instance.

B. "inacessible" changed to not accessible for clarification.

E. This rule requires each school to maintain an instructor lounge. This rule was deleted in the rule revision process of April, 1986 and failed to be deleted then.

Minnesota Rules 2640.6800. COSMETOLOGIST TRAINING.

A. and C. Delete word "approximately". This word was deleted in the April, 1986 rule revision process and failed to be deleted.

Minnesota Rules 2640.6800. ESTHETICIAN TRAINING.

D. Delete word "approximately". - Same as above.

Minnesota Rules 2640.6900. MANICURIST TRAINING.

D. Delete the word "approximately". - Same as above.

Minnesota Rules 2640.7000. REFRESHER COURSES.

Delete sentences 4 and 5 in paragraph 1, as we find no reason or need for a time limit on course approval after submission as it is done as soon as the curriculum arrives in the office. The fifth sentence is deleted as we have never addressed a processing fee in our fee schedule, rule 2640.9100. for this process and feel there is no need for a fee.

Minnesota Rules 2640.8200. STUDENT RECORDS.

E-2 Delete this rule to make it consistent with the rules deleted in 1985...(4 MCAR S 10.102 A-3. and 4 MCAR S 10.104-B.) The need for removal is discussed in the 1985 rule revision process under 2640.1200 and 2640.1800.

E-3 Delete "and the department" as the schools are responsible for the filing of these reports in each students' file and the retention of records for five years.

E-4 Delete last sentence as the schools are also responsible for the filing of these reports. Both E-3 and E-4 were oversights when the rule was changed in the rule revision process of September 1, 1986.

Minnesota Rules 2640.8900. SCHOOL CLINICS.

Items M, S, T, and W were added to this rule for clarification in first paragraph.

G. The words "and instructors" were deleted as this is redundant with the specific rule on Instructors 2640.7800-D which specifically addresses Instructor Identification Badges.

Minnesota Rules 2640.9200. FEE SCHEDULE.

B. (3). This fee was inadvertently omitted in the rule revision of August 19, 1985. This corresponds with rule 2640.2100 A-3 and B-3 when reinstating a license after denial, suspension or revocation.

C. (3). The phrase <u>applications for new licenses</u> has been added to the processing fee to coincide with rule 2640.1200 and for the one-time charge of the initial input of the new license information into the computer system.

Impact on Small Business

Minnesota Statute Section 14.115 requires that the impact of proposed rules on small businesses be considered in the development of rules. Specifically, the statute at subdivision 2, requires a less stringent compliance standard and reporting requirement for small businesses be considered. The statute also requires that methods designed to reduce the impacts of the rules on small businesses be incorporated into the rules if they are feasible and consistent with the statutory objectives with the rules.

Despite the lack of comments resulting from the Department's notice to solicit outside opinion, the Commissioner considered whether the provisions of the rules might be modified to accommodate the interest of small businesses. Consideration was given as to possible ways in which the requirements might be relaxed for small businesses or amended to reduce any burden on some small businesses.

These particular rule changes resulted from comments received by the Commissioner and the Department in regard to the existing rules. An evaluation of the rules determined that many of them were unnecessarily technical and overly burdensome. This impact was equally borne by both large and small businesses. However, the vast majority of licensees subject to these rules are small businesses. Accordingly, all of the changes proposed in these rules are proposed with the intent of reducing the burden of existing rules on the small business licensees.

Consideration was given in the promulgation of these rules to the fact that most licensees subject to them will be sole proprietors or have only one or two employees. Their ability to monitor compliance with stringent or overly technical rules is limited at best. Accordingly, these rules attempt to insure the safety of the patrons of the licensees while at the same time not imposing a burdensom regulatory requirement on the licensees. The impact of the rules on the licensees, who as previously stated are almost all small businesses, is discussed in the foregoing parts of the Statement of Need and Reasonableness.

Each of the methods described in Minnesota Statutes § 14.115, subdivision 2(a) - 3 were considered in proposing the rules. Provisions contained in the proposed rules are believed to be necessary to achieve the legislative purposes with the least burdensome effect upon small businesses.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Cosmetology

AGENCY: Department of Commerce

MINNESOTA RULES: Chapter 2640

The attached rules are approved for
filing with the Secretary of State

Paul M. Marinac
Assistant Deputy Revisor

AG Copy

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology

Rules as Adopted

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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 parts 2640.0100 to 2640.9200.

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 60 days of the change.

C. The licensee shall renew the license before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon is clearly identified as a beauty salon by a

conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons, temporary exemptions.** Salons licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom

size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and

experience of 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the

license requirements;

(4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions

of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Department of Commerce

Proposed Permanent Rules Relating to Cosmetology

Rules as Proposed

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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 ~~these rules~~ parts 2640.0100 to 2640.9200.

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing ~~his or her own~~ the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age ~~and shall be required to sign a waiver releasing the department, the examiners, the host school, and the examinee of all professional liability~~. The model shall not be a licensed cosmetologist or a

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cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** ~~The~~ An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within ~~30~~ 60 days of the change.

C. The licensee shall renew the license ~~prior to~~ before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license ~~prior to~~ before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the ~~required late penalty~~ processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

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Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon ~~occupies a physically separate area comprised of continuous footage, and~~ is clearly identified as a beauty salon by a conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons ~~and booths~~, temporary exemptions.** Salons ~~and booths~~ licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of

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the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license ~~prior to~~ before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license ~~shall be~~ is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. Issuance. Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least ~~2700~~ 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

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Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all **department** office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space ~~**inaccessible**~~ not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

~~E.--There-shall-be-an-instructors'-lounge-separate from-the-student-lounge.~~

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the **approximate** breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of **approximately** 1,130 hours and instruction in related theory and sciences of **approximately** 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

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D. There shall be planned clinical instruction and experience of ~~approximately~~ 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of ~~approximately~~ 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. ~~Sponsors of a proposed course shall apply for department approval at least ten business days prior to the course date. The course sponsor shall pay the processing fee.~~ The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which

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enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) ~~evidence on a standardized form, from a physician, stating that the student is free from communicable diseases or parasites. This certification shall accompany the student registration;~~

~~(3)~~ certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

~~(4)~~ (3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student ~~and the department~~ a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

~~(5)~~ (4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations. ~~This certification must be received by the department before the student will be scheduled for the written examinations~~;

~~(6)~~ (5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

~~(7)~~ (6) a certification shall be written and

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maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to ~~B~~ M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students ~~and instructors~~ shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

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(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Approved by Revisor _____

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology

Rules as Adopted

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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 parts 2640.0100 to 2640.9200.

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 60 days of the change.

C. The licensee shall renew the license before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon is clearly identified as a beauty salon by a

conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons, temporary exemptions.** Salons licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom

size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and

experience of 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the

license requirements;

(4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions

of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology

Rules as Adopted

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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 parts 2640.0100 to 2640.9200.

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 60 days of the change.

C. The licensee shall renew the license before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon is clearly identified as a beauty salon by a

conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons, temporary exemptions.** Salons licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom

size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and

experience of 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the

license requirements;

(4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions

of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Cosmetology

AGENCY: Department of Commerce

MINNESOTA RULES: Chapter 2640

The attached rules are approved for
filing with the Secretary of State

Paul M. Marinac
Assistant Deputy Revisor

Department of Commerce

Adopted Permanent Rules Relating to Cosmetology

Rules as Adopted

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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. to 6. [Unchanged.]

Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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 parts 2640.0100 to 2640.9200.

Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within 60 days of the change.

C. The licensee shall renew the license before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon is clearly identified as a beauty salon by a

conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons, temporary exemptions.** Salons licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom

size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of 1,130 hours and instruction in related theory and sciences of 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and

experience of 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

(2) certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

(3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student a written progress evaluation assessing the student's progress towards successful fulfillment of the

license requirements;

(4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations;

(5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

(6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions

of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Office of the Revisor of Statutes

Administrative Rules

TITLE: Adopted Permanent Rules Relating to Cosmetology

AGENCY: Department of Commerce

MINNESOTA RULES: Chapter 2640

The attached rules are approved for
filing with the Secretary of State

Paul M. Marinac
Assistant Deputy Revisor

DEPARTMENT OF COMMERCE

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Cosmetology Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules and amend existing rules regarding cosmetology. Promulgation of these rules is authorized by Minnesota Statutes, Sections 155A.05 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1.

The Department of Commerce requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Jan Smith, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-4517.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

MICHAEL A. HATCH
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules and Amendments Relating to Automobile Nonrenewal Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules and amend existing rules relating to automobile nonrenewal. Promulgation of these rules is authorized by Minnesota Statutes, Sections 65B.17 and 45.023.

Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1.

The Department of Commerce requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Richard G. Gomsrud, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-5689.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Cosmetology Including the Impact of the Rules on Small Business

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Outside opinion is also being solicited as to how these rules will affect small businesses as defined by Minnesota Statutes § 14.115, subdivision 1.

The Department of Commerce requests information and opinions concerning the subject matter of these rules. Interested or affected persons or groups may submit statements of information or comment orally or in writing to: Jan Smith, Department of Commerce, 500 Metro Square Building, St. Paul, MN 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-4517.

All statements of information and opinion shall be accepted until July 29, 1987. Any written material received by the Department of Commerce shall become part of the record in the event that the rules are adopted.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Notice to Solicit Outside Opinion Regarding Proposed Rules Relating to Credit Unions Including the Impact of the Rules on Small Business

Notice is hereby given that the Department of Commerce is seeking information or opinions from persons outside the agency in preparing to promulgate new rules relating to credit unions. Promulgation of these rules is authorized by Minnesota Statutes, Sections 52.05 and 45.023.

KEY: PROPOSED RULES SECTION — Underlining indicates additions to existing rule language. ~~Strike outs~~ indicate deletions from existing rule language. If a proposed rule is totally new, it is designated "all new material." ADOPTED RULES SECTION — Underlining indicates additions to proposed rule language. ~~Strike outs~~ indicate deletions from proposed rule language.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE

In the Matter of the Proposed Rules Relating to Cosmetology

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT PUBLIC HEARING

IT IS ORDERED this 3rd day of August 1987 that Notice of Intent to Adopt Rules Without Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Department of Commerce for that purpose and that said Notice be published in the State Register.

MICHAEL A. HATCH
Commissioner of Commerce

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Cosmetology

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in Minnesota Statutes, section 14.22-14.28. Authority for the adoption of these rules is contained in Minnesota Statutes, Sections 45.023 and 155A.05.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to Minnesota Statutes, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

Pursuant to Minnesota Statutes Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonablenss, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

In the Matter of the Proposed Rules
Relating to Cosmetology

STATE OF MINNESOTA)
) ss
COUNTY OF RAMSEY)

AFFIDAVIT OF
MAILING

Pamela Kolstad being first duly sworn, deposes and says:

I hereby certify that the list of persons, associations, and other interested groups who have requested, pursuant to Minnesota Statutes, section 14.14, subd. 1a, that their names be placed on file with and maintained by the Department of Commerce for the purpose of receiving notice of the proposed adoption of rules is accurate and complete as of 12:00 P.M., this 14th day of January 1988.

That on the 14th day of January 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, the attached Notice of Intent to Adopt Rules Without a Public Hearing was served by depositing in the State of Minnesota Central Mail System for United States mailing at said City of St. Paul, a copy properly prepared with first-class postage prepaid, on all persons and associations who have requested that their names be placed on file with the Minnesota Department of Commerce for the purpose of receiving notice of the proposed adoption of rules by the department.

Pamela Kolstad

Subscribed and sworn to before me
this 14th day of January 1988.

Notary Public

CYNTHIA L. CHASON
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES FEBRUARY 17, 1992

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7850 Metro Pkway., Suite 211
Bloomington, MN 55420

Rudy D. Broyles, CPCU
Insurance Services Office, Inc.
Suite 325-A 1919 S. Highland Ave.
Lombard, IL 60148

Jerrold T. Miller
J. T. Miller Company
1000 Currie Avenue
Minneapolis, MN 55403

John B. La Macchia & Associates
Actuaries Management Consultants
12 North Central Avenue
St. Louis. MO 63105

Best and Flanagan
3500 IDS Cen
Minneapolis, 55402-2213

Regulation Analyst
Alliance of American Insurers
1501 Woodfield Rd., Suite 400 West
Schaumburg, IL 60173-4980

Mr. Robert J. Demichelis
American Council of Life Insurance
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2599

Frederick P. McGarvey
American Insurance Association
230 W. Monroe St.
Chicago, IL 60606

Morris J. Anderson, Exec. Dir.
Association of Minnesota Counties
555 Park Street, Suite 300
St. Paul, MN 55103

R. G. Lanham, Dir. of Research
Carleton Financial Computations
P.O. Box 570
South Bend, IN 46624-0570

Glen Tullman
Certified Collateral Corporation
640 N. LaSalle, Suite 640
Chicago, IL 60610

Barbara Weisenbach
Continental American Life Ins Company
P.O. Box 15750
Wilmington, Delaware 19850

Courey, Schwinn & Kodadek
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Minneapolis, MN 55401

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Susan J. Ladwig
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114 Metro Square Bldg. 7 & Robert St.
St. Paul, MN 55101

Ron Marien
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5148 W. 95th Street
Bloomington, MN 55437

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13920 Echo Park Lane #9
Burnsville, MN 55337

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1277 Fremont Avenue
St. Paul, MN 55106

STATE OF MINNESOTA

DEPARTMENT OF COMMERCE
500 METRO SQUARE BUILDING
ST. PAUL, MN 55101

ATTENTION:
RULE RELATED MATERIAL

FIRST CLASS MAIL

State of Minnesota
Department of Commerce

In the Matter of the Proposed Adoption of Rules Relating to Cosmetology

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in Minnesota Statutes, section 14.22-14.28. Authority for the adoption of these rules is contained in Minnesota Statutes, Sections 45.023 and 155A.05.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to Minnesota Statutes, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

Pursuant to Minnesota Statutes Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonablenss, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Department of Commerce

Proposed Permanent Rules Relating to Cosmetology

Rules as Proposed

2640.0100 DEFINITIONS.

Subpart 1. [Unchanged.]

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.

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Subp. 7. [See Repealer.]

Subp. 8. to 12. [Unchanged.]

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Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. Instructor examination. Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing ~~his or her own~~ the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age ~~and shall be required to sign a waiver releasing the department, the examiners, the host school, and the examinee of all professional liability~~. The model shall not be a licensed cosmetologist or a

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cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** ~~The~~ An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within ~~30~~ 60 days of the change.

C. The licensee shall renew the license ~~prior to~~ before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. Failure to renew. Failure to renew a license ~~prior to~~ before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. Renewal. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the ~~required late penalty~~ processing fee. If more than 30 days have elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

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Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon ~~occupies a physically separate area comprised of continuous footage~~ and is clearly identified as a beauty salon by a conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons ~~and booths~~, temporary exemptions.** Salons ~~and booths~~ licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of

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the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license ~~prior to~~ before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license ~~shall be~~ is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least ~~2700~~ 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

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Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all department office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space ~~inaccessible~~ not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

~~E. There shall be an instructors' lounge separate from the student lounge.~~

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the ~~approximate~~ breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of ~~approximately~~ 1,130 hours and instruction in related theory and sciences of ~~approximately~~ 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

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D. There shall be planned clinical instruction and experience of ~~approximately~~ 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of ~~approximately~~ 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. ~~Sponsors of a proposed course shall apply for department approval at least ten business days prior to the course date. The course sponsor shall pay the processing fee.~~ The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which

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enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

~~(2) evidence on a standardized form, from a physician, stating that the student is free from communicable diseases or parasites. This certification shall accompany the student registration;~~

~~(3)~~ certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

~~(4)~~ (3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student ~~and the department~~ a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

~~(5)~~ (4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations. ~~This certification must be received by the department before the student will be scheduled for the written examinations;~~

~~(6)~~ (5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

~~(7)~~ (6) a certification shall be written and

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maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to ~~L~~ M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students ~~and instructors~~ shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

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(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. Salons. Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100, subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. Schools. Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Approved by Revisor _____

State of Minnesota

STATE REGISTER

Department of Administration—Documents Division



Published every Monday

25 January 1988

Volume 12, Number 30

Pages 1497-1592

STATE REGISTER

Judicial Notice Shall Be Taken of Material Published in the *State Register*

The *State Register* is the official publication of the State of Minnesota, containing executive orders of the governor, proposed and adopted rules of state agencies, official notices to the public, state and non-state public contracts, grants, supreme court and tax court decisions, and a monthly calendar of cases to be heard by the state supreme court.

Volume 12 Printing Schedule and Submission Deadlines

Vol. 12 Issue Number	*Submission deadline for Executive Orders, Adopted Rules and **Proposed Rules	*Submission deadline for State Contract Notices and other **Official Notices	Issue Date
30	Monday 11 January	Friday 15 January	Monday 25 January
31	Friday 15 January	Monday 25 January	Monday 1 February
32	Monday 25 January	Monday 1 February	Monday 8 February
33	Monday 1 February	Monday 8 February	Monday 15 February

*Deadline extensions may be possible at the editor's discretion; however, none will be made beyond the second Wednesday (12 calendar days) preceding the issue date for rules, proposed rules and executive orders, or beyond the Wednesday (5 calendar days) preceding the issue date for official notices. Requests for deadline extensions should be made only in valid emergency situations.

**Notices of public hearings on proposed rules and notices of intent to adopt rules without a public hearing are published in the Proposed Rules section and must be submitted two weeks prior to the issue date.

Instructions for submission of documents may be obtained from the State Register editorial offices, 504 Rice Street, St. Paul, Minnesota 55103, (612) 296-4273.

The *State Register* is published by the State of Minnesota, Department of Administration, Documents Division, 117 University Avenue, St. Paul, Minnesota 55155, pursuant to Minn. Stat. § 14.46. Publication is weekly, on Mondays, with an index issue in September. In accordance with expressed legislative intent that the *State Register* be self-supporting, the subscription rate has been established at $130.00 per year, postpaid to points in the United States. Second class postage paid at St. Paul, Minnesota. Publication Number 326630. (ISSN 0146-7751) No refunds will be made in the event of subscription cancellation. Single issues may be obtained at $3.50 per copy.

Subscribers who do not receive a copy of an issue should notify the *State Register* Circulation Manager immediately at (612) 296-0931. Copies of back issues may not be available more than two weeks after publication.

Rudy Perpich, Governor

Sandra J. Hale, Commissioner
Department of Administration

Stephen A. Ordahl, Director
Minnesota Documents Division

Robin PanLener, Editor

Paul Hoffman, Assistant Editor

Debbie Kobold, Circulation Manager

Bonita Karels, Staff Assistant

FOR LEGISLATIVE NEWS

Publications containing news and information from the Minnesota Senate and House of Representatives are available free to concerned citizens and the news media. To be placed on the mailing list, write or call the offices listed below:

SENATE

Briefly-Preview—Senate news and committee calendar; published weekly during legislative sessions.

Perspectives—Publication about the Senate.

Session Review—Summarizes actions of the Minnesota Senate.

Contact: Senate Public Information Office
Room 231 State Capitol, St. Paul, MN 55155
(612) 296-0504

HOUSE

Session Weekly—House committees, committee assignments of individual representatives; news on committee meetings and action. House action and bill introductions

This Week—weekly interim bulletin of the House.

Session Summary—Summarizes all bills that both the Minnesota House of Representatives and Minnesota Senate passed during their regular and special sessions.

Contact: House Information Office
Room 175 State Office Building, St. Paul, MN 55155
(612) 296-2146

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Department of Agriculture

Notice of Withdrawal of Proposed Rule

Notice is hereby given that the proposed rule relating to buying and storing grain, as published in the *State Register* on September 7, 1987, pages 398-407 (12 S.R. 3988), is withdrawn.

The department is unable to adopt the rule because of failure to comply with *Minnesota Statutes, section 16A.128, subdivision 2a. The department intends to republish the rule and Notice of Hearing or Notice of Intent to Adopt a Rule Without a Public Hearing at a later date.*

Dated: 29 Decmeber 1987

Jim Nichols, Commissioner
Department of Agriculturee

Department of Commerce

Proposed Permanent Rules Relating to Cosmetology

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 155A.05.

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Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
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A copy of the proposed rules is attached to this Notice. Copies of this Notice and proposed rules are available and may be obtained by contacting Richard G. Gomsrud at the above address.

Michael A. Hatch
Commissioner of Commerce

Rules as Proposed

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Subp. 14. to 22. [Unchanged.]

2640.1100 EXAMINATION ADMINISTRATION.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Instructor examination.** Instructor examination:

A. [Unchanged.]

B. Each examinee is responsible for providing ~~his or her own~~ the model for the practical examination and shall be responsible for insuring the suitability of that model for the examination. Models shall be over 16 years of age ~~and shall be required to sign a waiver releasing the department, the examiners, the host school, and the examinee of all professional liability~~. The model shall not be a licensed cosmetologist or a cosmetology student.

Subp. 4. and 5. [Unchanged.]

2640.1700 LICENSE RECIPROCITY WITH OTHER JURISDICTIONS.

Subpart 1. and 2. [Unchanged.]

Subp. 3. **Evidence of experience.** ~~The~~ An applicant with more than three years of licensure shall provide documentation of at least 1,800 hours of experience as a licensed practitioner at the level for which a Minnesota license is sought within three years prior to the application. The documentation must be from an employer or, in the case of self-employed applicants, from a reliable source.

Subp. 4. [Unchanged.]

2640.3300 MAINTAINING A SALON LICENSE.

The following requirements shall be met by all salons:

A. The licensee shall continuously comply with all applicable provisions of Minnesota Statutes and rules.

B. The manager shall advise the department of a change in name of the salon in writing, including both new and old name and address, within ~~30~~ 60 days of the change.

C. The licensee shall renew the license ~~prior to~~ before its expiration date.

D. The licensee shall display the required documents.

2640.3500 DELINQUENT SALON LICENSES.

Subpart 1. **Failure to renew.** Failure to renew a license ~~prior to~~ before its expiration date shall result in a delinquent salon license. This license must be renewed within 30 days.

Subp. 2. **Renewal.** If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the ~~required late penalty~~ processing fee. If more than 30 days have

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elapsed, the salon shall cease operation until a new salon application has been submitted and a provisional license has been issued.

2640.4100 SPECIFIC TYPES OF SALON LICENSES.

Subpart 1. [Unchanged.]

Subp. 2. **Beauty salon and barber shop.** A beauty salon and a barber shop may be operated in the same establishment, if the beauty salon ~~occupies a physically separate area comprised of continuous footage, and~~ is clearly identified as a beauty salon by a conspicuously displayed sign that states, "Beauty Salon" in letters at least two inches in height.

Subp. 3. to 7. [Unchanged.]

2640.5100 COMPLIANCE BY PRESENT LICENSEES AND STUDENTS.

Subpart 1. [Unchanged.]

Subp. 3. **Senior instructor licenses.** Senior instructor licenses are discontinued. Current senior instructor licenses shall be renewed as instructor licenses. Senior instructor licenses which expire before January 1, 1988, shall not be required to satisfy the requirements of part 2640.1900, subpart 2, item B.

Subp. 6. **Salons and booths, temporary exemptions.** Salons ~~and booths~~ licensed on April 1, 1983, shall be exempt from the following provisions until January 1, 1988:

A. to C. [Unchanged.]

Subp. 8. and 10. [Unchanged.]

2640.5200 SCHOOL LICENSURE.

Subpart 1. to 3. [Unchanged.]

Subp. 4. **Surety bond.** The applicant, except the state and its political subdivisions as described in Minnesota Statutes, section 471.617, subdivision 1, shall file with the commissioner a continuous corporate surety bond in the amount of $10,000, conditioned upon the faithful performance of all contracts and agreements with students made by the applicant. The bond shall run to the state of Minnesota and to any person who may have a cause of action against the applicant arising at any time after the bond is filed and before it is canceled for breach of any contract or agreement made by the applicant with any student. The aggregate liability of the surety for all breaches of the conditions of the bond shall not exceed $10,000. The surety of the bond may cancel it upon giving 60 days notice in writing to the commissioner and shall be relieved of liability for any breach of condition occurring after the effective date of cancellation.

Subp. 5. [Unchanged.]

2640.5500 DELINQUENT SCHOOL LICENSES.

Failure to renew a school license ~~prior to~~ before its expiration date shall result in a delinquent license. The applicant shall comply with the following:

A. If less than 30 days have elapsed since the expiration date of the license, the applicant shall submit a written ~~application~~ request for renewal of license, the license fee, and the processing fee.

B. If more than 30 days have elapsed since the expiration of the license, the licensee shall reapply for a school license as if no license had been previously issued. The school's operation without a valid license ~~shall be~~ is a violation of the law and no student training provided during that period will be recognized by the department.

2640.5600 CERTIFICATE OF IDENTIFICATION.

Subpart 1. **Issuance.** Upon written request to the department, a licensee may be issued a certificate of identification authorizing his or her lawful practice in a place other than a licensed salon. To obtain the certificate, the individual shall:

A. hold a current Minnesota cosmetologist, manicurist, or esthetician license;

B. provide documentation to the department of at least ~~2700~~ 2,700 hours of lawful practice in Minnesota;

C. provide documentation of current employment in a Minnesota licensed cosmetology, esthetician, or manicuring salon; and

D. attest that the services shall be provided only in a licensed health care facility, or in the residence of a home-bound individual.

Subp. 2. and 3. [Unchanged.]

2640.6000 PHYSICAL REQUIREMENTS.

Subpart 1. **Space.** Space:

A. There shall be a combined clinic and classroom size of at least 25 square feet for each enrollee to be accommodated. This space shall exclude all ~~department~~ office space, storage areas, lounge facilities, and restrooms.

B. All supplies and materials shall be stored in a space ~~inaccessible~~ not accessible to the public.

C. The dispensary shall be a specified area inaccessible to the public.

D. There shall be a furnished student lounge of at least 120 contiguous square feet.

~~E. There shall be an instructors' lounge separate from the student lounge.~~

Subp. 2. to 5. [Unchanged.]

2640.6700 COSMETOLOGIST TRAINING.

A. Cosmetologist training consists of a course of training of at least 1,550 hours. This course shall consist of the full manicurist course content, the full esthetician course content, and the balance in hairdressing, including the ~~approximate~~ breakdown of hours specified in item D and the clinical exercises in provision of cosmetology services specified in item D.

B. [Unchanged.]

C. There shall be instruction in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care of ~~approximately~~ 1,130 hours and instruction in related theory and sciences of ~~approximately~~ 420 hours.

D. to F. [Unchanged.]

2640.6800 ESTHETICIAN TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of ~~approximately~~ 200 hours in the applied sciences.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.6900 MANICURIST TRAINING.

A. to C. [Unchanged.]

D. There shall be planned clinical instruction and experience of ~~approximately~~ 150 hours in applied sciences and skills.

(1) and (2) [Unchanged.]

E. [Unchanged.]

2640.7000 REFRESHER COURSES.

A licensed cosmetology school, salon, or a professional association may plan and offer a refresher course taught by licensed instructors of at least 40 hours in length for cosmetologists, estheticians, and/or manicurists. The course shall focus on knowledge, skills, and product types related to chemical services and shall balance lectures, demonstrations, and clinical experiences. It shall be held in a licensed salon or school. ~~Sponsors of a proposed course shall apply for department approval at least ten business days prior to the course date. The course sponsor shall pay the processing fee.~~ The course sponsor shall provide the individuals who successfully pass a final course examination with course completion certificates. The class attendees are then responsible for providing a copy of the completion certificates to the Department of Commerce when required.

2640.8200 STUDENT RECORDS.

Student records shall be maintained as follows:

A. to D. [Unchanged.]

E. The school shall maintain the following reports for each student:

(1) a student registration form containing the student's full and correct name, course of training for which enrolled, and start date. The status of the student shall be stated as full-time or part-time, day or night classes;

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(2) ~~evidence on a standardized form. from a physician. stating that the student is free from communicable diseases or parasites. This certification shall accompany the student registration.~~

~~(3)~~ certification of completion of preclinical courses. Documentation signed by the school owner or manager shall indicate that the student has successfully completed the required hours of preclinical work. A student shall not be allowed to perform any service or portion thereof in the school clinic on a client until this certification has been completed;

~~(4)~~ (3) a progress evaluation report. Upon completion of one-half of the total required hours, the school shall give the student ~~and the department~~ a written progress evaluation assessing the student's progress towards successful fulfillment of the license requirements;

~~(5)~~ (4) certification of readiness to take the written examination. Documentation signed by school owner or manager, shall indicate that the student has successfully completed 1,350, 500, and 315 hours, for cosmetologist, esthetician, and manicurist respectively, of preclinical and clinical training, and is prepared to take the written state licensing examinations. ~~This certification must be received by the department before the student will be scheduled for the written examinations~~;

~~(6)~~ (5) documentation signed by school owner or manager, shall indicate that the student has successfully completed the course of training for which he or she enrolled, including documentation of the student's completion of the practical exercises, as required by parts 2640.6700, item D, 2640.6800, item D, subitem (1), and 2640.6900, item D, subitem (1), and documentation of the student's successful completion of the skills certification review, on a form provided by the department;

~~(7)~~ (6) a certification shall be written and maintained by the school if a student withdraws, is suspended, or expelled from his or her course of training. The certification shall be signed by the school owner or manager, shall indicate the last day on which the student was enrolled, the total number of hours the student has successfully completed as of that date, a transcript detailing the nature of those hours, and the reason for the withdrawal, suspension, or revocation. A copy of a student's termination certification and/or completion of course of training certification must be provided to the student within ten days of the termination from or completion of the cosmetology training.

2640.8900 SCHOOL CLINICS.

All instruction in school clinics and all work performed by students in school clinics shall comply with the operational requirements for a cosmetology salon in part 2640.3900, items A to ~~L~~ M, S, T, and W. In addition:

A. to F. [Unchanged.]

G. All students ~~and instructors~~ shall be required to wear an identification badge at all times. The badges shall be at least two inches by one inch; state the student's name; and state that the student is either a "Cosmetologist Trainee," "Esthetician Trainee," or "Manicurist Trainee." Badges shall be furnished by the school as part of tuition costs.

H. to L. [Unchanged.]

2640.9200 FEE SCHEDULE.

The fee schedule shall be as follows:

A. [Unchanged.]

B. Penalties:

(1) Reinspection fee, variable;

(2) Manager with lapsed practitioner, $25;

(3) Reinstatement fee, $30.

C. Administrative fees:

(1) Duplicate license (includes individual name or address change), $5;

(2) Certificate of identification, $20;

(3) Processing fee (covers licensing history or certification of licensure, restoration of lapsed license, salon name change, school name change, late renewals, applications for new licenses), $15;

(4) School original application, $150.

REPEALER. Minnesota Rules, part 2640.0100, subpart 7, is repealed.

APPLICATION.

Subpart 1. **Salons.** Minnesota Rules, parts 2640.0100; 2640.0500, subpart 1; 2640.0600; 2640.0700; 2640.1100; 2640.1200; 2640.1300; 2640.1400; 2640.1600; 2640.1700, subparts 1 to 3; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.3100; 2640.3200; 2640.3300; 2640.3400; 2640.3500; 2640.3600; 2640.3700; 2640.3800; 2640.3900; 2640.4000; 2640.4100; 2640.5100,

subpart 6; 2640.6400; 2640.7000; 2640.7100; 2640.7200; 2640.8400; 2640.9100; 2640.9200; and 2640.9400, apply to salons. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Subp. 2. **Schools.** Minnesota Rules, parts 2640.0100; 2640.0500; 2640.0600; 2640.0700; 2640.1100; 2640.1500; 2640.1700; 2640.1800; 2640.1900; 2640.2000; 2640.2100; 2640.2200; 2640.5100, subparts 1 to 4, and 7 to 10; 2640.5200; 2640.5300; 2640.5400; 2640.5500; 2640.5600; 2640.5700; 2640.5800; 2640.5900; 2640.6000; 2640.6100; 2640.6200; 2640.6300; 2640.6400; 2640.6600; 2640.6700; 2640.6800; 2640.6900; 2640.7000; 2640.7100; 2640.7200; 2640.7500; 2640.7600; 2640.7700; 2640.7800; 2640.7900; 2640.8000; 2640.8100; 2640.8200; 2640.8300; 2640.8400; 2640.8500; 2640.8600; 2640.8700; 2640.8800; 2640.8900; 2640.9100; 2640.9200; and 2640.9400, apply to schools. In the next and subsequent editions of Minnesota Rules, these parts may be codified in a separate chapter.

Department of Commerce

Proposed Permanent Rules Relating to Nonprofit Risk Indemnification Trusts

Notice of Intent to Adopt Rules Without a Public Hearing

Notice is hereby given that the Department of Commerce intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedures Act for adopted rules without a public hearing in *Minnesota Statutes*, section 14.22-14.28. Authority for the adoption of these rules is contained in *Minnesota Statutes*, Sections 45.023 and 60A.29.

All persons have 30 days to submit comments in support of or in opposition to the proposed rule or any part or subpart of the rule. Comment is encouraged. Each comment should identify the portion of the proposed rule addressed, the reason for the comment, and any change proposed. The proposed rules may be modified if the modifications are supported by the data and views submitted to the Department and do not result in a substantial change.

Any person may make a written request for a public hearing within the 30 day comment period. If 25 or more persons submit a written request for a public hearing within the 30 day comment period, a public hearing will be held unless a sufficient number withdraw their request in writing. Any person requesting a hearing should state his or her name and address, and is encouraged to identify the portion of the proposed rule addressed, the reason for the request, and any change proposed. If a public hearing is required, the department will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20.

Persons who wish to submit comments or a written request for a public hearing should submit them to:

Richard G. Gomsrud
Department Counsel
Department of Commerce
500 Metro Square Building
St. Paul, MN 55101
(612) 296-5689

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rule and identifying the data and information relied upon to support the proposed rules has been prepared and is available upon request from Richard Gomsrud.

Pursuant to *Minnesota Statutes* Section 14.115, subdivision 2, the impact on small business has been considered in the promulgation of the rules. Anyone wishing to present evidence or argument as to the rules' effect on small business may do so. The Department's position regarding the impact of the rules on small business is set forth in the Statement of Need and Reasonableness.

Upon adoption of the final rules without a public hearing, the proposed rules, this Notice, the Statement of Need and Reasonableness, all written comments received, and the final Rules as Adopted will be delivered to the Attorney General for review as to form and legality, including the issue of substantial change. Persons who wish to be advised of the submission of this material to the Attorney General, or who wish to receive a copy of the final rules as proposed for adoption, should submit a written statement of such request to Richard G. Gomsrud, Department Counsel, Department of Commerce, 500 Metro Square Bldg., St. Paul, MN 55101.

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STATE OF MINNESOTA

DEPARTMENT OF COMMERCE

In the Matter of the Proposed Adoption of Amendments to the Rules Relating to Cosmetology

FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING RULE WITHOUT A PUBLIC HEARING

Notice of the Commissioner's intent to adopt the above entitled rule was published in the State Register on January 25, 1988 and was sent by United States mail to all persons on the list maintained by the department pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 on January 14, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt the rule without a public hearing was mailed to all persons on the rulemaking mailing list and published in the State Register and was available to the public.

All persons were given the opportunity to submit comment on the rule for 30 days after notice of proposed rulemaking The department received no requests for hearing or comments on the rule. Nor requests for notice of submission to the attorney general were received by the department.

Based on the comments and evidence in the record before the department, I find that the above captioned rule is needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rule identified as Amendments to the Rules Relating to Cosmetology is adopted this 26th day of May, 1988, pursuant to the authority vested in me by Minnesota Statutes, section 155A.05.

Michael A. Hatch
Commissioner of Commerce

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : of Commerce

DATE : September 19, 1988

TO : Administrative Attorney General's Office

FROM : Richard G. Gomsrud

PHONE : 296-5689

SUBJECT : Cosmetology Rules

RECEIVED
SEPT 20 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST PAUL, MN 55155

Per our recent conversations enclosed please find the Commissioner's Findings of Fact and Conclusions withdrawing the fee and adopting the rest of the rules. Four copies of the rules as adopted without the fee are enclosed. Please notify me as soon as the rules are approved so I can get a Notice of Adoption from the Revisor for submission to the State Register.