

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

ATTORNEY GENERAL

January 11, 1988

Maureen Tibbetts

JACQUELYN E. ALBRIGHT
Special Assistant
Attorney General

6-9715

In the Matter of the Adopted Rule Relating to
Barber Licensing

The above-referenced rule has been approved as to its legality by the Attorney General on January 5, 1989.

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.

JEA:rer
Enclosures

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

William Brown
Chief Administrative Law Judge

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : BOARD OF BARBER EXAMINERS

DATE : 11/3/88

TO : Rita Desmond

FROM : Maureen Tibbetts

Maureen

PHONE : 296-2364

SUBJECT : Rules as Adopted

RECEIVED

NOV 03 88

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

Attached are four (4) copies of our Rules As Adopted.
I am really sorry for the mix up.

Thanks.

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL

DATE : NOVEMBER 1, 1988

TO : RITA DESMOND
Administration and Finance Division

FROM : PEGGY J. BIRK PJB
Special Assistant
Attorney General

PHONE : 6-9416

SUBJECT : RULE REVIEW

Please find the documents necessary for review of a rule adopted without a public hearing by the State Board of Barber Examiners. The documents include the following:

1. Certificate of Authorizing Resolution;
2. Copy of proposed rule approved by the Revisor;
3. Notice of Intent to Adopt a Rule without Public Hearing;
4. Statement of Need and Reasonableness;
5. Affidavit of Mailing the Notice of Intent to Adopt a Rule without a Public Hearing;
6. Copy of the Notice which appeared in the State Register;
7. Four copies of the rule as adopted;
8. All written requests, submissions, or comments regarding the proposed rule; and
9. The declaration by me regarding compliance with the rulemaking procedures.

11/02/88 Rec'd - No Rule as Adopted

11/3/88 Rec'd OK RMD

My client has requested that the review process by the Attorney General be expedited if at all possible. Thank you for your assistance in this matter. Please call me if you have any questions.

PJB:lf
Encs.
cc: Maureen Tibbetts
Executive Secretary

Board of Barber Examiners

Adopted Permanent Rules Relating to Barber Licensing

Rules as Adopted

2100.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 2100.0100 to 2100.9300, the terms defined in this part have the meanings given them.

Subp. 1a. **Barbering.** The practice of barbering as defined in Minnesota Statutes, section 154.02, means the services described in that section when performed on a living person and includes those services when performed in conjunction with the selling of hair pieces, wigs, or an artificial hair application.

Subp. 2. **A license or certificate of registration as practicing barber.** The phrase "a license or certificate of registration as practicing barber" contained in Minnesota Statutes, section 154.11, means a current certificate of registration as a certified barber.

Subp. 3. **Has practiced as a barber.** The phrase "has practiced as a barber" contained in Minnesota Statutes, section 154.11, means that a person has performed the acts of barbering under a certificate of registration as either a registered barber or a registered apprentice.

2100.0200 APPLICATION FOR EXAMINATION.

Upon completion of the required 1,500 hour course of training, the school shall issue each graduate a certificate of completion.

Upon issuance of the certificate of completion, the graduate is eligible to be scheduled for the apprentice examination under part 2100.0500.

In an emergency or in a situation beyond a student's control in which the 1,500 hours of training course cannot be completed before the apprentice examination schedule, the board ~~may~~ shall make an exception from the requirement of course

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completion if:

A. the course can be completed within the following week after the apprentice examination and before the registered barber examination; and

B. the student has less than 48 hours to complete after the examination schedule in part 2100.0500.

Results of examinations must not be issued until the certificate of completion is filed.

2100.0300 NONRESIDENT APPRENTICE QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of an apprentice as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.06, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300; and

C. must meet the requirements of Minnesota Statutes, section 154.11.

Applicants unable to comply with items A and B shall make up the difference in a Minnesota accredited barber school. Barbering experience ~~may~~ shall be considered equivalent to or substantially the same as hours in school training.

2100.0500 EXAMINATION DATES.

Examinations for a certificate as a registered apprentice shall be held the first week in February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

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2100.0600 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave, or beard trim and ~~the~~ two ~~other~~ of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

2100.0900 REVIEW OF EXAMINATION RESULTS.

An applicant may review his or her examination results at the office of the Board of Barber Examiners during usual business hours.

2100.1000 FAILURE OF EXAMINATION.

A student who fails the apprentice examination shall complete an additional 500 hours to be eligible to retake the apprentice examination, as many times as necessary to pass.

2100.1100 APPRENTICE PRACTICE.

The requirement of Minnesota Statutes, section 154.05, clause (4) regarding the practicing as a registered apprentice for a period of 12 months shall mean licensure for not less than 1,500 hours of work time.

2100.1200 TIME REPORT.

The registered barber who supervises the practice of a registered apprentice shall file an affidavit as to the number of hours the apprentice accumulated under the registered barber's supervision.

2100.1300 HOME STUDY COURSE.

The 12 months practice of a registered apprentice under Minnesota Statutes, section 154.05 shall include completion of the program entitled "Related Home Study Course for Apprentice Barbers" prepared or approved by the Board of Barber Examiners. The course must be successfully completed before the examination may be taken.

2100.1400 PRACTICE COMPLETION BEFORE BARBER EXAMINATION.

A registered apprentice meets the requirements of Minnesota

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Statutes, section 154.05, clause (4) if 1,500 hours and 12 months of practice are completed at any time before or within the week in which the examination is given pursuant to Minnesota Statutes, section 154.05, clause (5).

2100.1500 REPORTING PRACTICE UNDER SUPERVISION.

A registered apprentice who practices under the immediate personal supervision of a registered barber must file with the annual license renewal, a statement of the number of hours completed and under whose supervision.

2100.2500 EXAMINATION DATES.

Examinations for a certificate as a registered barber shall be held in the second week of February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.2600 APPLICATION FOR EXAMINATION.

An applicant for examination as a registered barber shall file an application for examination and a sworn affidavit of completing 12 months and 1,500 hours of supervision on forms furnished by the board. This application must be filed with the board no later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

2100.2700 NONRESIDENT BARBERS; QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of barbers as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.05, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the

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same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300;

C. must meet requirements for a registered apprentice in Minnesota Statutes, section 154.05, clause (4); and

D. the same practice requirements for a registered apprentice as set forth in Minnesota Statutes, section 154.05, clause (4).

Applicants unable to comply with items A and B must make up the difference in a Minnesota accredited barber school. Barbering experience ~~may~~ shall be considered equivalent to or substantially the same as hours in school training.

2100.2900 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave or beard trim, and ~~the~~ two ~~other~~ of the following practical services: shampoo, perm wrap, facial, or color application, will be determined at the discretion of the board.

2100.3200 FAILURE OF EXAMINATION; ADDITIONAL APPRENTICE PRACTICE.

An apprentice who fails to satisfactorily pass an examination for a certificate of registration to practice as a registered barber, must practice an additional two months and 300 hours to be eligible to retake the examination. The additional two months practice required by Minnesota Statutes, section 154.05, clause (5) shall include not less than 300 hours of work time. The registered barber who supervises the additional two months practice must file an affidavit with the board for the additional practice period.

2100.4500 INSTRUCTOR LICENSE QUALIFICATION.

To qualify for an instructor's examination, an applicant must be a licensed registered barber with five years' experience and hold a current vocational teacher's certificate.

2100.5000 LICENSE REQUIREMENT.

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No person shall operate a barber school in Minnesota without having first obtained a license from the Board of Barber Examiners. Persons holding a permit for the conduct of a barber school which was issued prior to the adoption of these rules have a period of 60 days after the adoption of these rules to file the necessary documents showing conformance with these rules with the exception of the course outline required by part 2100.5100, subpart 2. After the date of adoption of these rules all barber schools operating or requesting a license to operate will be governed by and shall proceed in accordance with these rules.

2100.5100 LICENSE APPLICATION.

Subpart 1. **Verified statement.** A person desiring to operate a barber school in Minnesota shall present to the board a verified statement showing at least the following:

A. all information required by Minnesota Statutes, chapter 154 elsewhere in these rules;

B. the name of the applicant or applicants together with their occupations and residences for the ten years immediately prior to making applications;

C. the address of the proposed school;

D. a complete financial statement; and

E. a plan of operation of the school setting forth the following information:

(1) drawings showing the number of chairs to be installed and showing a minimum of five feet between barber chairs, measuring from center to center, the waiting area must be separate from work stations;

(2) drawings showing classroom space with a minimum area of 25 square feet available for each proposed student in classroom space;

(3) a statement showing that the following will be available: one desk for each student enrolled; one chart on skin and hair; one chart on blood supply to face and neck; one chart on the muscles of the face, head, and neck; one chart on

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the nerves of the face, head, and neck; one chart on the bones of the face, head, and neck; and one blackboard of a size not less than six feet by 3-1/2 feet;

(4) plans showing the following: separate toilet and washroom facilities for men and women; plumbing and sewer system appropriate to the size and use of the building as a barber school; a statement regarding the availability and intended use of municipal sewer and water supplies;

(5) plans for appropriate lighting and ventilating systems;

(6) plans showing use of a type of floor material such as tile or linoleum which may be easily kept clean and sanitary;

(7) plans for proper sanitization facilities including the following: one sink for each barber chair or dispensary as required in part 2100.8100, subpart 3; one closed cabinet for clean towels for each barber chair; one closed container for soiled towels for each barber chair; one time clock; and one hair dryer; and

(8) plans for adequate waiting chairs and clothes racks.

Subp. 2. **Course outline.** All barber schools shall submit to the board a full course outline including each instructional unit, showing a course of instruction comprising an aggregate of not less than 1,500 hours, of not more than eight work instruction hours in any one working day. A copy of each school's curriculum will be filed with the board. In the case of applicants for a license to operate a barber school submitted to the board after the adoption of these rules, the application will contain the foregoing statements. Barber schools in existence at the time of adoption of these rules shall have two months from the date of adoption for submission of the outline prescribed by this part. All schools shall submit a complete student course syllabus to the board at the time of application for license and any renewal of it.

Subp. 3. **Brochure.** Applicants for a license to operate a

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barber school shall submit a copy of a brochure which will be made available to students upon approval of the application. This brochure shall list the fees which will be charged; together with enrollment and termination procedures for students. Any change in the tuition fee listed in this brochure must be immediately reported, in writing, to the board.

2100.5200 CONSIDERATIONS IN LICENSE ISSUANCE.

Subpart 1. **Factors.** Upon receipt of an application for establishment of a barber school, the board shall give consideration to the factors in subparts 2 to 5.

Subp. 2. **Public welfare.** The board shall give consideration to any detriment to the public welfare and the need for barber school facilities in the community and neighborhood where the proposed barber school is to be located, giving particular consideration to:

A. the economic character of the community and neighborhood;

B. the effect on existing barber shops and barber schools in the community;

C. the availability of adequate support for the proposed barber school in the community and neighborhood with particular regard to adequate practice for students;

D. the extent to which the proposed barber school would draw patrons from adjacent communities or neighborhoods and the character thereof; and

E. the effect of the establishment of a barber school on the social and economic aspects of the community and neighborhood and adjacent communities and neighborhoods in regard to the proposed site.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Student-license ratio.** There must be at least one instructor for every 17 students enrolled.

2100.5400 CORPORATIONS PROHIBITED.

No school license shall be issued to a corporation, nor shall the school indicate any affiliation with a corporation.

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2100.5600 RENEWAL OF LICENSE.

Subpart 1. **Application.** Owners of barber schools shall make annual application for renewal of their licenses in accordance with the rules of the board. The board shall make a new determination annually that the school meets the requirements of Minnesota Statutes, chapter 154, and part 2100.5100, subpart 2, of the board before issuing the renewal license.

Subp. 2. **Nonrenewal; hearing.** In the event that a license is not renewed by the board upon application pursuant to these rules, the aggrieved applicant may by written notice to the board request a public hearing concerning the denial of his or her application in accordance with Minnesota Statutes, chapter 14, and rules adopted thereunder.

2100.5700 REGISTERED INSTRUCTORS, TEMPORARY TEACHER, OR EMERGENCY TEACHER.

Subpart 1. **Number of registered instructors.** The provisions of Minnesota Statutes, section 154.07 requiring one registered instructor for every 17 students or minor fraction in excess thereof applies to classroom instruction as well as practical instruction. "Minor fraction in excess thereof" means a maximum of 20 students per instructor for a period of no more than three months. An applicant shall name in the application the names of all instructors and teachers. The board will not issue a temporary teacher's permit for a new school. To assure barber school students adequate uninterrupted training, a temporary teacher's permit can be issued upon approval of the board.

Subp. 2. **Temporary permits.** This subpart applies to temporary teacher's permits.

A. To be granted a temporary teacher's permit, a permit applicant must:

(1) hold a current Minnesota registered barber's license;

(2) have practiced for at least two years as a

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registered barber; and

(3) show proof of a temporary vocational teaching permit and continuous enrollment taking courses as required by part 2100.4500.

B. Application forms will be prepared and furnished by the board. Applications must be signed and sworn to by the applicant and contain proof of the minimum qualifications and qualifications for a teacher's vocational certificate and the barber instructor examination. The applicant shall furnish to the board two photographs, three inches by five inches in size, signed by the applicant. One photograph must be returned with the permit and one must be kept on file with the application.

C. The applicant shall pay the required application fee.

D. Permits must be annually renewed on or before December 31 of each year.

E. The permit must be posted in the school.

F. A barber school may only have a temporary teacher for each licensed instructor or for each 17 students at any given time.

G. Persons holding a temporary teacher's permit shall immediately inform the board of any change in location of the teacher's work place.

H. The board will not issue a temporary teacher's permit for a new school or for expansion of a school.

I. A temporary teacher's permit is valid for four years from the date it is issued if continued educational courses are being pursued.

J. Any request for a temporary teacher's permit must be made by the applicant and verified by the school of barbering.

K. The Board of Barber Examiners shall keep an active list of all instructors and temporary teacher's permits.

L. All temporary teacher permit holders shall notify the board of any change in the permitee's work place, address, or phone number.

Subp. 3. **Emergency teacher permit.**

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by Revisor _____

A. To assure barber school students adequate uninterrupted training, an emergency teacher permit may be issued in an emergency if:

(1) a sudden unexpected happening of an unforeseen occurrence or condition demanding sudden or unexpected actions, exigency, or pressing necessity occurs;

(2) the board is notified by the school immediately after an emergency arises and is informed as to the nature of the emergency and who is being considered as the emergency teacher;

(3) the board verifies that no licensed instructor or temporary teacher is available; and

(4) an applicant holds a current registered barber license.

B. Upon the fulfillment of the conditions provided in item A, an emergency teacher's permit shall be issued without delay. The maximum duration of an emergency teacher permit is 30 days.

2100.6000 HOURS OF INSTRUCTION.

Each student, including each part-time student, must complete at least 281 classroom hours and 1,219 practical hours in the required 1,500-hour course.

2100.6100 STUDENT WORK COMPLETION.

An instructor may help a beginning student finish a service on a patron upon request by the student.

2100.7700 OTHER USE OF PREMISES.

Subpart 1. **Prohibited uses.** No person shall use any room or part of a place which is also used for residential purposes, or any business purpose other than barbering, unless the areas are separated by substantial partition, extending from the floor to the ceiling. Further, any door or other entrance leading into the residential or other business portion of the building must be used only for the passage of barbers or other employees.

Subp. 2. **Exception: barber shop with beauty shop.**

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Subpart 1 notwithstanding, a beauty shop and a barber shop may be operated in conjunction, without being separated by a partition of ceiling height.

2100.8100 SANITIZATION.

Subpart 1. **Instruments.** Razors, shears, combs, clipper blades, hairbrush, and all other instruments or appliances that come in contact with the head, neck, or face must be thoroughly cleaned and sanitized by submersion for a minimum of two minutes after use on each patron. As an alternative to submersion, clipper blades and shears may be treated by spraying them with a commercial spray containing active ingredients not less than 0.25 percent o-phenyl phenol, 11.00 percent isopropyl alcohol, and 88.75 percent inert ingredients. As an extra measure, instruments may be wiped or sprayed with a solution of 10:1 household bleach before being used. When not in use, they must be kept in a clean closed compartment provided for and used only for storage of instruments. Styptic pencil and lump alum are positively prohibited. Contact with raw blood or body fluids should be avoided. If accidentally exposed, immediate washing with soap and running water is required.

Subp. 2. **Sanitizer.** All barber shops and barber schools shall have in use at all times at each chair a wet or dip sanitizer which is adequate in size to accommodate all instruments to be used on each patron. The wet sanitizer shall contain a suitable chemical bactericide solution which shall be bacteriologically effective, such as 0.1 percent suitable quaternary ammonium compound, or by other means having a solution equivalent to five percent phenol, or other chemical sanitizing agent having equivalent bactericidal effect. The chemical solution shall be changed daily or more often, as needed.

One dip disinfectant solution container will be kept for each barber chair in operation. Instruments immersed in the dip disinfectant solution container will be carefully rinsed in warm running water before use. Failure to provide a sink or dip

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disinfectant solution container constitutes prima facie evidence that instruments are not properly sanitized.

At least one sink or lavatory must be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory must be provided for each two barber chairs at which the barbers work. Each barber must have free access to the sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers.

Subp. 3. **Dispensary.** A dispensary must be located in each barber shop and each barber school where hot and cold running water is not present within five feet of the working chair. A dispensary is a room, booth, or area where implements will be cleansed, disinfected, and stored. A dispensary must contain the following furnishings:

A. A container large enough to accommodate all soiled implements in which those instruments, such as combs and brushes, can be totally immersed for washing. All nonimmersive or electrical implements such as clippers, clipper blades, and shears must be sprayed according to subpart 1.

B. One sink with hot and cold running water to cleanse implements mentioned in item A to be used for washing of hands before serving each patron.

C. A container with suitable chemical bactericide solution to accommodate and immerse all immersible implements after being washed for at least two minutes before being used or stored.

D. A container large enough for storage of clean disinfected implements.

E. A container filled with fresh disinfectant solution in which razors will be stored or dipped at least two minutes before being used.

Subp. 4. **Hand washing.** Hands shall be washed with soap and running water immediately before serving each and every patron.

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Subp. 5. **Implement storage.** Implements that require washing and disinfecting by total immersion must not be stored at the work station unless running water is present at the working chair.

Subp. 6. **Shampoo sinks.** The shampoo area shall have one shampoo sink for each six chairs.

Subp. 7. **Minimum implements.** Each barber shall have at least 15 combs and ten brushes.

2100.9300 FEES.

Subpart 1. **Fee schedule.** The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber, $55;

B. examination and certificate, apprentice, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. temporary teacher permit, $25;

F. renewal of license, registered barber, $25;

G. renewal of license, apprentice, $20;

H. renewal of license, instructor, $35;

I. renewal of temporary teacher permit, $25;

J. student permit, $10;

K. initial shop registration, $50;

L. initial school registration, $1,000;

M. renewal shop registration, $35;

N. renewal school registration, $200;

O. restoration of registered barber license, $50;

P. restoration of apprentice license, $45;

Q. restoration of shop registration, $60;

R. change of ownership or location, $25; and

S. duplicate license, $10.

Subp. 2. **Duplicate license.** Any photocopy of a license made by the board for an official purpose shall be stamped with the office state seal.

Subp. 3. **Restoration fee.** A restoration fee is a fee

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by Revisor _____

charged a licensee to restore a license that has not been renewed in a timely manner. The fee is comprised of the license fee plus a late penalty fee.

Subp. 4. **Renewals; schedule.** This subpart governs renewals of licenses and registrations.

A. Apprentices, barbers, instructors, temporary teacher permits, and school licenses shall renew their licenses by no later than December 31 of each year for the ensuing year to avoid a late penalty fee.

B. Shop registration shall be renewed by no later than June 30 of each year for the ensuing year to avoid a late penalty fee.

C. Change of location and change of ownership shall be filed within 30 days of the action.

Subp. 5. **License requirements.** An active barber must hold a current license and must post it at the work station.

REPEALER. Minnesota Rules, parts 2100.0400; 2100.1600; 2100.2800; 2100.4300; 2100.4400; 2100.5200, subparts 3 and 4; 2100.6500; 2100.7200; 2100.7300; 2100.7400; 2100.7500; and 2100.8300 are repealed.

Approved
by Revisor _____

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED

JAN 11 1989

Joan Anderson Growe

Secretary of State

9:10 AM

APPROVED AS TO FORM AND LEGALITY

1/5 1989

HUBERT H. HUMPHREY, III
ATTORNEY GENERAL

BY Jacquelyn E. Albright
SPECIAL ASSISTANT ATTORNEY GENERAL

RULE REVIEW CHECKLIST
RESUBMITTED RULE

File No. 1531 Docket No. 05.0009.0126

RESUBMISSION DATE 10/30/88 ADOPTED W/O HEARING X
DATE DUE N/A EMERGENCY RULE _____

APPROVED AEA 1/5/89 REVISOR APPROVED _____
DISAPPROVED _____ REVISOR DISAPPROVED _____
WITHDRAWM _____ FILED W/SEC. STATE _____
RETURNED TO AGENCY _____

N/A **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~~ (~~MISSING~~)

_____ ~~Notice of submission to Attorney General~~

_____ ~~Affidavit of Mailing Notice to Attorney General~~

Waiting for certified copies

SF-00006-05 (4/86)

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT : ATTORNEY GENERAL/Bremer Tower

DATE : December 29, 1988

TO : **JACQUELYN ALBRIGHT**
Special Assistant
Attorney General

FROM : **PEGGY J. BIRK**
Special Assistant
Attorney General

PHONE : 6-9416

SUBJECT : **In the Matter of the Proposed Adoption of the Rules of the State Board of Barber Examiners Governing Barber Licensing.**

Rec'd 12/30/88

Enclosed for the Attorney General's review and approval please find four (4) copies of the modified rules relating to the above-referenced matter and a Supplemental Findings of Fact, Conclusions, and Order Adopting the Rules without a Public Hearing.

Please call me if you have any questions. Thank you for your assistance.

PJB:sab/.au3
Enclosures

cc: Maureen Tibbetts

STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

In the Matter of the Proposed Adoption of the Rules of the State Board of Barber Examiners Governing Barber Licensing.

SUPPLEMENTAL FINDINGS OF FACT, CONCLUSIONS, AND ORDER ADOPTING THE RULES WITHOUT A PUBLIC HEARING

Notice of the Board's intent to adopt the above-entitled rules was published in the State Register on September 19, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subd. 1a and 14.22 on September 19, 1988. The Statement of Need and Reasonableness was prepared before the Notice of Intent to Adopt a 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 comments on the rules for 30 days after notice of proposed rulemaking. No requests for a public hearing on the rules were received by the agency.

No submissions or comments on the rules were received by the agency. No requests for notice of submission to the Attorney General were received by the agency.

The rules were submitted to the Attorney General's office for approval on November 1, 1988. The Board withdrew the rules from the Attorney General's office for minor modifications.

File No. 1531 — Docket No. 7.0009.0126

DATE RECEIVED 11/3/88 — ADOPTED W/O HEARING ✓

REVIEW DATE 11/14/88 — EMERGENCY RULE _____

DUE DATE 11/17/88 — REVISOR APPROVED _____

APPROVED _____ — REVISOR DISAPPROVED _____

DISAPPROVED _____ — FILED W/SEC. OF STATE _____

WITHDRAWN 11-15-88 — RETURNED TO AGENCY _____

✓ Rule as adopted (4 copies)

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

11/16/87 Date published in State Register
yes Comments

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

✓ Board's Authorizing Resolution

_____ Date adopted

✓ Proposed Rule

Yes Revisor's Certificate

✓ Notice of Intent to Adopt Rule

154.24 Statutory Authority
NO Small Business Statement
N/A Expenditure of public money statement
Yes Signature

✓ Statement of Need and Reasonableness (if applicable)

Yes Small Business Statement
N/A Fees - § 16A.128

✓ Affidavit of Mailing Notice of Intent to Adopt Rule

9/19/88 Date ~~30~~/25 days before adoption
ok Notice attached
~~Copy of rule or summary attached~~

✓ Publication in State Register

9/19/88 Date 30/25 days before adoption

_____ 180-day deadline from:

10/18/88 end of comment period (§ 14.26) (rules without hearing)
_____ ~~effective date of statutory authority (§ 14.29) (emergency rules)~~

✓ Resolution Adopting

10/31/88 Date adopted

✓ Findings of Fact, Conclusions & Order Adopting

10/31/88 Date

_____ ~~Written requests, submissions or comments~~

✓ Declaration of attorney

Peggy Bird Name of SAAG representing agency

✓ ~~Notice of Submission to Atty. Gen. (if applicable)~~ Order for notice of Intent to adopt

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

CERTIFICATE OF THE
BOARD OF BARBER EXAMINERS
RESOLUTION ADOPTING THE RULE

I, TERRI MAU, do hereby certify that I am a member and Secretary of the Board of Barber Examiners, a board duly authorized under the Laws of the State of Minnesota, and that the following is a true, complete, and correct copy of a resolution adopted at a meeting of the Board of Barber Examiners, duly and properly called and held on the 31st day of October, 1988, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

> "RESOLVED, that the rules relating to barber licensing is approved and adopted, pursuant to authority vested in the Board of Barber Examiners by Minn. Stat. §§ 154.24 and 214.06 (1986). Kenneth Kirkpatrick, the chairman of the Board of Barber Examiners, is authorized to sign the findings of fact, conclusions, and order adopting the rules and further is authorized to modify the rules if necessary to obtain the approval of the rules by the attorney general and to perform the necessary acts to provide that the rules shall have the force and effect of law."

IN WITNESS WHEREOF, I have hereunto subscribed my name this 31st day of October, 1988.

Terri M Mau
TERRI MAU, SECRETARY

Jim Jenko
Attest by one other Board Member

Missing:

Brd's Authorizing Resolution
called - will be mailed

Authorization:
154.24

Rule - Cites to Proposed Rule

Pg 6 Line 16

"May" is it up to the apprentice or the Board to decide if experience is to be considered equivelant. . . .

pg 6 Line 24-25

"determined at the discretion of the Board"

pg 13 line 9

"May" - Discretionary
even if 1-4 are present, the Board doesnt have to issue a permit.

RECEIVED

NOV 17 88

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

STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

In the Matter of the Adoption
of the Rules of the State
Board of Barber Examiners
Governing Barber Licensing.

ORDER OF WITHDRAWAL FROM REVIEW BY THE ATTORNEY GENERAL

The Board of Barber Examiners has withdrawn on November 15, 1988 the above-captioned rules pursuant to the recommendation of the Attorney General.

Dated: 11-15-88

KENNETH KIRKPATRICK, Chairman
Board of Barber Examiners

AG Copy

Board of Barber Examiners

Adopted Permanent Rules Relating to Barber Licensing

Rules as Adopted

2100.0100 DEFINITIONS.

Subpart 1. **Scope.** For the purpose of parts 2100.0100 to 2100.9300, the terms defined in this part have the meanings given them.

Subp. 1a. **Barbering.** The practice of barbering as defined in Minnesota Statutes, section 154.02, means the services described in that section when performed on a living person and includes those services when performed in conjunction with the selling of hair pieces, wigs, or an artificial hair application.

Subp. 2. **A license or certificate of registration as practicing barber.** The phrase "a license or certificate of registration as practicing barber" contained in Minnesota Statutes, section 154.11, means a current certificate of registration as a certified barber.

Subp. 3. **Has practiced as a barber.** The phrase "has practiced as a barber" contained in Minnesota Statutes, section 154.11, means that a person has performed the acts of barbering under a certificate of registration as either a registered barber or a registered apprentice.

2100.0200 APPLICATION FOR EXAMINATION.

Upon completion of the required 1,500 hour course of training, the school shall issue each graduate a certificate of completion.

Upon issuance of the certificate of completion, the graduate is eligible to be scheduled for the apprentice examination under part 2100.0500.

In an emergency or in a situation beyond a student's control in which the 1,500 hours of training course cannot be completed before the apprentice examination schedule, the board may make an exception from the requirement of course completion

Provide uniform guidelines for the board to grant an exception from the requirement for the completion

shall

if:

A. the course can be completed within the following week after the apprentice examination and before the registered barber examination; and

B. the student has less than 48 hours to complete after the examination schedule in part 2100.0500.

Results of examinations must not be issued until the certificate of completion is filed.

2100.0300 NONRESIDENT APPRENTICE QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of an apprentice as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.06, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota; and

(2) a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300; and

C. must meet the requirements of Minnesota Statutes, section 154.11.

Applicants unable to comply with items A and B shall make up the difference in a Minnesota accredited barber school. Barbering experience may be considered equivalent to or substantially the same as hours in school training.

2100.0500 EXAMINATION DATES.

Examinations for a certificate as a registered apprentice shall be held the first week in February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.0600 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave, or beard trim and the [two other practical services] will be determined at the discretion of the board.

2100.0900 REVIEW OF EXAMINATION RESULTS.

An applicant may review his or her examination results at the office of the Board of Barber Examiners during usual business hours.

2100.1000 FAILURE OF EXAMINATION.

A student who fails the apprentice examination shall complete an additional 500 hours to be eligible to retake the apprentice examination, as many times as necessary to pass.

2100.1100 APPRENTICE PRACTICE.

The requirement of Minnesota Statutes, section 154.05, clause (4) regarding the practicing as a registered apprentice for a period of 12 months shall mean licensure for not less than 1,500 hours of work time.

2100.1200 TIME REPORT.

The registered barber who supervises the practice of a registered apprentice shall file an affidavit as to the number of hours the apprentice accumulated under the registered barber's supervision.

2100.1300 HOME STUDY COURSE.

The 12 months practice of a registered apprentice under Minnesota Statutes, section 154.05 shall include completion of the program entitled "Related Home Study Course for Apprentice Barbers" prepared or approved by the Board of Barber Examiners. The course must be successfully completed before the examination may be taken.

2100.1400 PRACTICE COMPLETION BEFORE BARBER EXAMINATION.

A registered apprentice meets the requirements of Minnesota Statutes, section 154.05, clause (4) if 1,500 hours and 12

months of practice are completed at any time before or within the week in which the examination is given pursuant to Minnesota Statutes, section 154.05, clause (5).

2100.1500 REPORTING PRACTICE UNDER SUPERVISION.

A registered apprentice who practices under the immediate personal supervision of a registered barber must file with the annual license renewal, a statement of the number of hours completed and under whose supervision.

2100.2500 EXAMINATION DATES.

Examinations for a certificate as a registered barber shall be held in the second week of February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.2600 APPLICATION FOR EXAMINATION.

An applicant for examination as a registered barber shall file an application for examination and a sworn affidavit of completing 12 months and 1,500 hours of supervision on forms furnished by the board. This application must be filed with the board no later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

2100.2700 NONRESIDENT BARBERS; QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of barbers as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.05, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as

Minnesota; and

(2) a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300;

C. must meet requirements for a registered apprentice in Minnesota Statutes, section 154.05, clause (4); and

D. the same practice requirements for a registered apprentice as set forth in Minnesota Statutes, section 154.05, clause (4).

Applicants unable to comply with items A and B must make up the difference in a Minnesota accredited barber school. Barbering experience may be considered equivalent to or substantially the same as hours in school training.

2100.2900 CONTENTS OF EXAMINATION.

Each examination consists of six parts: oral, written, and four practical services. The type of haircut, shave or beard trim, and the two other practical services will be determined at the discretion of the board.

2100.3200 FAILURE OF EXAMINATION; ADDITIONAL APPRENTICE PRACTICE.

An apprentice who fails to satisfactorily pass an examination for a certificate of registration to practice as a registered barber, must practice an additional two months and 300 hours to be eligible to retake the examination. The additional two months practice required by Minnesota Statutes, section 154.05, clause (5) shall include not less than 300 hours of work time. The registered barber who supervises the additional two months practice must file an affidavit with the board for the additional practice period.

2100.4500 INSTRUCTOR LICENSE QUALIFICATION.

To qualify for an instructor's examination, an applicant must be a licensed registered barber with five years' experience and hold a current vocational teacher's certificate.

2100.5000 LICENSE REQUIREMENT.

No person shall operate a barber school in Minnesota without having first obtained a license from the Board of Barber

Examiners. Persons holding a permit for the conduct of a barber school which was issued prior to the adoption of these rules have a period of 60 days after the adoption of these rules to file the necessary documents showing conformance with these rules with the exception of the course outline required by part 2100.5100, subpart 2. After the date of adoption of these rules all barber schools operating or requesting a license to operate will be governed by and shall proceed in accordance with these rules.

2100.5100 LICENSE APPLICATION.

Subpart 1. **Verified statement.** A person desiring to operate a barber school in Minnesota shall present to the board a verified statement showing at least the following:

A. all information required by Minnesota Statutes, chapter 154 elsewhere in these rules;

B. the name of the applicant or applicants together with their occupations and residences for the ten years immediately prior to making applications;

C. the address of the proposed school;

D. a complete financial statement; and

E. a plan of operation of the school setting forth the following information:

(1) drawings showing the number of chairs to be installed and showing a minimum of five feet between barber chairs, measuring from center to center, the waiting area must be separate from work stations;

(2) drawings showing classroom space with a minimum area of 25 square feet available for each proposed student in classroom space;

(3) a statement showing that the following will be available: one desk for each student enrolled; one chart on skin and hair; one chart on blood supply to face and neck; one chart on the muscles of the face, head, and neck; one chart on the nerves of the face, head, and neck; one chart on the bones of the face, head, and neck; and one blackboard of a size not

less than six feet by 3-1/2 feet;

(4) plans showing the following: separate toilet and washroom facilities for men and women; plumbing and sewer system appropriate to the size and use of the building as a barber school; a statement regarding the availability and intended use of municipal sewer and water supplies;

(5) plans for appropriate lighting and ventilating systems;

(6) plans showing use of a type of floor material such as tile or linoleum which may be easily kept clean and sanitary;

(7) plans for proper sanitization facilities including the following: one sink for each barber chair or dispensary as required in part 2100.8100, subpart 3; one closed cabinet for clean towels for each barber chair; one closed container for soiled towels for each barber chair; one time clock; and one hair dryer; and

(8) plans for adequate waiting chairs and clothes racks.

Subp. 2. **Course outline.** All barber schools shall submit to the board a full course outline including each instructional unit, showing a course of instruction comprising an aggregate of not less than 1,500 hours, of not more than eight work instruction hours in any one working day. A copy of each school's curriculum will be filed with the board. In the case of applicants for a license to operate a barber school submitted to the board after the adoption of these rules, the application will contain the foregoing statements. Barber schools in existence at the time of adoption of these rules shall have two months from the date of adoption for submission of the outline prescribed by this part. All schools shall submit a complete student course syllabus to the board at the time of application for license and any renewal of it.

Subp. 3. **Brochure.** Applicants for a license to operate a barber school shall submit a copy of a brochure which will be made available to students upon approval of the application.

This brochure shall list the fees which will be charged; together with enrollment and termination procedures for students. Any change in the tuition fee listed in this brochure must be immediately reported, in writing, to the board.

2100.5200 CONSIDERATIONS IN LICENSE ISSUANCE.

Subpart 1. **Factors.** Upon receipt of an application for establishment of a barber school, the board shall give consideration to the factors in subparts 2 to 5.

Subp. 2. **Public welfare.** The board shall give consideration to any detriment to the public welfare and the need for barber school facilities in the community and neighborhood where the proposed barber school is to be located, giving particular consideration to:

A. the economic character of the community and neighborhood;

B. the effect on existing barber shops and barber schools in the community;

C. the availability of adequate support for the proposed barber school in the community and neighborhood with particular regard to adequate practice for students;

D. the extent to which the proposed barber school would draw patrons from adjacent communities or neighborhoods and the character thereof; and

E. the effect of the establishment of a barber school on the social and economic aspects of the community and neighborhood and adjacent communities and neighborhoods in regard to the proposed site.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Student-license ratio.** There must be at least one instructor for every 17 students enrolled.

2100.5400 CORPORATIONS PROHIBITED.

No school license shall be issued to a corporation, nor shall the school indicate any affiliation with a corporation.

2100.5600 RENEWAL OF LICENSE.

Subpart 1. **Application.** Owners of barber schools shall make annual application for renewal of their licenses in accordance with the rules of the board. The board shall make a new determination annually that the school meets the requirements of Minnesota Statutes, chapter 154, and part 2100.5100, subpart 2, of the board before issuing the renewal license.

Subp. 2. **Nonrenewal; hearing.** In the event that a license is not renewed by the board upon application pursuant to these rules, the aggrieved applicant may by written notice to the board request a public hearing concerning the denial of his or her application in accordance with Minnesota Statutes, chapter 14, and rules adopted thereunder.

2100.5700 REGISTERED INSTRUCTORS, TEMPORARY TEACHER, OR EMERGENCY TEACHER.

Subpart 1. **Number of registered instructors.** The provisions of Minnesota Statutes, section 154.07 requiring one registered instructor for every 17 students or minor fraction in excess thereof applies to classroom instruction as well as practical instruction. "Minor fraction in excess thereof" means a maximum of 20 students per instructor for a period of no more than three months. An applicant shall name in the application the names of all instructors and teachers. The board will not issue a temporary teacher's permit for a new school. To assure barber school students adequate uninterrupted training, a temporary teacher's permit can be issued upon approval of the board.

Subp. 2. **Temporary permits.** This subpart applies to temporary teacher's permits.

A. To be granted a temporary teacher's permit, a permit applicant must:

(1) hold a current Minnesota registered barber's license;

(2) have practiced for at least two years as a registered barber; and

(3) show proof of a temporary vocational teaching permit and continuous enrollment taking courses as required by part 2100.4500.

B. Application forms will be prepared and furnished by the board. Applications must be signed and sworn to by the applicant and contain proof of the minimum qualifications and qualifications for a teacher's vocational certificate and the barber instructor examination. The applicant shall furnish to the board two photographs, three inches by five inches in size, signed by the applicant. One photograph must be returned with the permit and one must be kept on file with the application.

C. The applicant shall pay the required application fee.

D. Permits must be annually renewed on or before December 31 of each year.

E. The permit must be posted in the school.

F. A barber school may only have a temporary teacher for each licensed instructor or for each 17 students at any given time.

G. Persons holding a temporary teacher's permit shall immediately inform the board of any change in location of the teacher's work place.

H. The board will not issue a temporary teacher's permit for a new school or for expansion of a school.

I. A temporary teacher's permit is valid for four years from the date it is issued if continued educational courses are being pursued.

J. Any request for a temporary teacher's permit must be made by the applicant and verified by the school of barbering.

K. The Board of Barber Examiners shall keep an active list of all instructors and temporary teacher's permits.

L. All temporary teacher permit holders shall notify the board of any change in the permitee's work place, address, or phone number.

Subp. 3. **Emergency teacher permit.**

A. To assure barber school students adequate

uninterrupted training, an emergency teacher permit may be issued in an emergency if:

(1) a sudden unexpected happening of an unforeseen occurrence or condition demanding sudden or unexpected actions, exigency, or pressing necessity occurs;

(2) the board is notified by the school immediately after an emergency arises and is informed as to the nature of the emergency and who is being considered as the emergency teacher;

(3) the board verifies that no licensed instructor or temporary teacher is available; and

(4) an applicant holds a current registered barber license.

B. Upon the fulfillment of the conditions provided in item A, an emergency teacher's permit shall be issued without delay. The maximum duration of an emergency teacher permit is 30 days.

2100.6000 HOURS OF INSTRUCTION.

Each student, including each part-time student, must complete at least 281 classroom hours and 1,219 practical hours in the required 1,500-hour course.

2100.6100 STUDENT WORK COMPLETION.

An instructor may help a beginning student finish a service on a patron upon request by the student.

2100.7700 OTHER USE OF PREMISES.

Subpart 1. **Prohibited uses.** No person shall use any room or part of a place which is also used for residential purposes, or any business purpose other than barbering, unless the areas are separated by substantial partition, extending from the floor to the ceiling. Further, any door or other entrance leading into the residential or other business portion of the building must be used only for the passage of barbers or other employees.

Subp. 2. **Exception: barber shop with beauty shop.** Subpart 1 notwithstanding, a beauty shop and a barber shop may

be operated in conjunction, without being separated by a partition of ceiling height.

2100.8100 SANITIZATION.

Subpart 1. **Instruments.** Razors, shears, combs, clipper blades, hairbrush, and all other instruments or appliances that come in contact with the head, neck, or face must be thoroughly cleaned and sanitized by submersion for a minimum of two minutes after use on each patron. As an alternative to submersion, clipper blades and shears may be treated by spraying them with a commercial spray containing active ingredients not less than 0.25 percent o-phenyl phenol, 11.00 percent isopropyl alcohol, and 88.75 percent inert ingredients. As an extra measure, instruments may be wiped or sprayed with a solution of 10:1 household bleach before being used. When not in use, they must be kept in a clean closed compartment provided for and used only for storage of instruments. Styptic pencil and lump alum are positively prohibited. Contact with raw blood or body fluids should be avoided. If accidentally exposed, immediate washing with soap and running water is required.

Subp. 2. **Sanitizer.** All barber shops and barber schools shall have in use at all times at each chair a wet or dip sanitizer which is adequate in size to accommodate all instruments to be used on each patron. The wet sanitizer shall contain a suitable chemical bactericide solution which shall be bacteriologically effective, such as 0.1 percent suitable quaternary ammonium compound, or by other means having a solution equivalent to five percent phenol, or other chemical sanitizing agent having equivalent bactericidal effect. The chemical solution shall be changed daily or more often, as needed.

One dip disinfectant solution container will be kept for each barber chair in operation. Instruments immersed in the dip disinfectant solution container will be carefully rinsed in warm running water before use. Failure to provide a sink or dip disinfectant solution container constitutes prima facie evidence

that instruments are not properly sanitized.

At least one sink or lavatory must be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory must be provided for each two barber chairs at which the barbers work. Each barber must have free access to the sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers.

Subp. 3. **Dispensary.** A dispensary must be located in each barber shop and each barber school where hot and cold running water is not present within five feet of the working chair. A dispensary is a room, booth, or area where implements will be cleansed, disinfected, and stored. A dispensary must contain the following furnishings:

A. A container large enough to accommodate all soiled implements in which those instruments, such as combs and brushes, can be totally immersed for washing. All nonimmersive or electrical implements such as clippers, clipper blades, and shears must be sprayed according to subpart 1.

B. One sink with hot and cold running water to cleanse implements mentioned in item A to be used for washing of hands before serving each patron.

C. A container with suitable chemical bactericide solution to accommodate and immerse all immersible implements after being washed for at least two minutes before being used or stored.

D. A container large enough for storage of clean disinfected implements.

E. A container filled with fresh disinfectant solution in which razors will be stored or dipped at least two minutes before being used.

Subp. 4. **Hand washing.** Hands shall be washed with soap and running water immediately before serving each and every patron.

Subp. 5. **Implement storage.** Implements that require

washing and disinfecting by total immersion must not be stored at the work station unless running water is present at the working chair.

Subp. 6. **Shampoo sinks.** The shampoo area shall have one shampoo sink for each six chairs.

Subp. 7. **Minimum implements.** Each barber shall have at least 15 combs and ten brushes.

2100.9300 FEES.

Subpart 1. **Fee schedule.** The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber, $55;

B. examination and certificate, apprentice, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. temporary teacher permit, $25;

F. renewal of license, registered barber, $25;

G. renewal of license, apprentice, $20;

H. renewal of license, instructor, $35;

I. renewal of temporary teacher permit, $25;

J. student permit, $10;

K. initial shop registration, $50;

L. initial school registration, $1,000;

M. renewal shop registration, $35;

N. renewal school registration, $200;

O. restoration of registered barber license, $50;

P. restoration of apprentice license, $45;

Q. restoration of shop registration, $60;

R. change of ownership or location, $25; and

S. duplicate license, $10.

Subp. 2. **Duplicate license.** Any photocopy of a license made by the board for an official purpose shall be stamped with the office state seal.

Subp. 3. **Restoration fee.** A restoration fee is a fee charged a licensee to restore a license that has not been

renewed in a timely manner. The fee is comprised of the license fee plus a late penalty fee.

Subp. 4. **Renewals; schedule.** This subpart governs renewals of licenses and registrations.

A. Apprentices, barbers, instructors, temporary teacher permits, and school licenses shall renew their licenses by no later than December 31 of each year for the ensuing year to avoid a late penalty fee.

B. Shop registration shall be renewed by no later than June 30 of each year for the ensuing year to avoid a late penalty fee.

C. Change of location and change of ownership shall be filed within 30 days of the action.

Subp. 5. **License requirements.** An active barber must hold a current license and must post it at the work station.

REPEALER. Minnesota Rules, parts 2100.0400; 2100.1600; 2100.2800; 2100.4300; 2100.4400; 2100.5200, subparts 3 and 4; 2100.6500; 2100.7200; 2100.7300; 2100.7400; 2100.7500; and 2100.8300 are repealed.

EXHIBIT C-2

CERTIFICATE OF THE
BOARD OF BARBER EXAMINERS
AUTHORIZING RESOLUTION

I, Jim Jenko, do hereby certify that I am a member and the Member (office) of the Board of Barber Examiners, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board duly and properly called and held on the 21st day of September, 19 88, that a quorum was present, and that a majority of those present voted for the resolution which has not been rescinded or modified.

"RESOLVED, that Maureen Tibbetts, the Executive Secretary of the Board of Barber Examiners, is hereby granted the authority and directed to sign and to give the Notice of the Board's Intent to Adopt a rule without a public hearing governing barber licensing to all persons who have registered their names with the Board for that purpose and publish the Notice and rule in the State Register, and to perform any and all acts incidental thereto".

IN WITNESS WHEREOF, I have hereunto subscribed my name this 21st day of September, 19 88.

Jim Jenko - Board Member
Name and Title

Kenneth E. Kirkpatrick
Attested by one other Board member (Name and Title)

RECEIVED
NOV 04 88
ATTORNEY GENERAL'S OFFICE
515 TRANSPORTATION BLDG.
ST. PAUL, MN 55155

BOARD OF BARBER EXAMINERS
STATE OF MINNESOTA

In the Matter of the Proposed Rule Changes of the Board of Barber Examiners Governing Barber Licensing

STATEMENT OF NEED AND REASONABLENESS

The Board of Barber Examiners proposes to amend Minn. Rules pts. 2100.0100 to 2100.9300. The changes are needed for several reasons. Many changes are necessary to reflect 1987 statutory amendments. Several proposed changes are technical and simply clarify the existing rules. Other proposed amendments delete rules regarding subject matter over which the Board no longer has jurisdiction. The remainder of the proposed changes delete moot rules and update others.

The proposed rules are both necessary and reasonable. In general, the changes will decrease the number of forms to be filed by licensees; clarify the requirements for licensure; delete moot rules; and provide alternate sanitation requirements.

The following rules have been changed to reflect 1987 statutory amendments: Minn. Rule pts. 2100.0400, 2100.0500, 2100.1100, 2100.1400, 2100.2500, 2100.3200, and 2100.5200, subp. 5.

Proposed changes to Minn. Rule 2100.0100, subp. 1 clarify the definition of barbering and provides that a person who cuts hair while fitting wigs, hairpieces, etc., is practicing barbering and must be properly licensed.

Proposed changes to Minn. Rule pt. 2100.0200 clarify the requirements for the apprentice examination under pt. 2100.0500 and

provide uniform guidelines for the Board to grant an exception from the requirement of course completion.

Proposed changes to Minn. Rule pts. 2100.0300 and 2100.2700 are technical changes to more accurately reflect that the qualifications listed in the rules are for any outstate or foreign country applicant. The Board proposes deletion of Minn. Rule pts. 2100.0300, subp. B(2) and 2100.2700, subp. B(2) which require a nonresident apprentice to have had instructors who have the same qualifications as Minnesota instructors. This requirement discourages applications by nonresident barbers.

The Board proposes deletion of Minn. Rules pts. 2100.0400 and 2100.2800 which require foreign applicants to submit references. The rules create additional paperwork for the applicant and the references are not critical to the application review process.

Proposed changes to Minn. Rule pts. 2100.0600 and 2100.2900 assists determination of qualified applicants by giving the Board greater discretion in deciding which practical services to test in the apprentice and barber examinations.

Proposed changes to Minn. Rule pt. 2100.0900 eliminate the requirement of a written request by an applicant to review his/her examination results. The present rule is burdensome to the examinee.

Proposed changes to Minn. Rule pt. 2100.1000 clarify that a person who fails the apprentice examination must have an additional 500 hours of training only once, regardless of the number of times they fail the examination.

Proposed changes to Minn. Rule pt. 2100.1200 provide a more efficient way of reporting apprentice hours by substituting the filing of quarterly reports by the registered barber who supervised the apprentice, with the filing of one affidavit upon the apprentice's completion of the required hours.

Proposed changes to Minn. Rule pt. 2100.1300 on Home Study Course, reflect a statutory amendment changing the required number of months of practice from 15 to 12 months. In addition, the preparation and approval of the Home Study Course is changed from the Minnesota Department of Education, Vocational Technical Education Division to the Board of Barber Examiners.

Proposed changes to Minn. Rule pt. 2100.1500 require a registered apprentice to file with the annual license renewal, a statement of the number of hours completed and under whose supervision. The present rule requires that a form, provided by the Board, be filed within 30 days after the registered apprentice begins his practice. The proposed rule simplifies the reporting practice procedure and gives the Board accurate information about the apprentice programs.

Proposed changes to Minn. Rule pt. 2100.2600 clarify the requirements for an applicant for examination as a registered barber.

Minn. Rule pts. 2100.4300 and 2100.4400 deal with the Department of Education and Division of Vocational Technical Education requirements to receive a Vocational Teachers Certificate.

The Board has no jurisdiction over this subject matter. Therefore, the Board proposes deletion of this rule.

Proposed changes to Minn. Rule pt. 2100.4500 delete the general course requirements for any instructor's vocational certificate and add the requirements which pertain only to the qualifications of an instructor in a barber school.

Proposed changes to Minn. Rule pt. 2100.5000 correct a technical error in the printing of a quoted rule from 1900.5100 to the proper 2100.5100.

The proposed change to Minn. Rule pt. 2100.5100, subp. 1D is a technical change and deletes the requirement that applicants show their plan of financing.

Proposed changes to Minn. Rule pt. 2100.5100, subp. 1E(7) eliminate the required vibrator and stimulator machines. These machines are outdated and no longer in use.

Minn. Rule pt. 2100.5200, subp. 3 requires a minimum population of 100,000 for the issuance of a license to operate a barber school. The proposed deletion of this rule will promote the establishment of barber schools in small communities.

The proposed change to Minn. Rule pt. 2100.5400, clarifies that there is no affiliation between a barber school and a corporation.

The proposed change to Minn. Rule 2100.5600 is technical.

The proposed changes to Minn. Rule 2100.5700 reflect the statutory amendment in Minn. Stat § 154.07 which changed the student ratio from 17 to 15 students and sets forth guidelines and

requirements for the issuance of a temporary teacher's or emergency teacher's permit.

Minn. Rule 2100.6000 states the number of hours of instruction the student should receive per day but does not indicate a total number of hours that must be completed to complete the course. The proposed change states the number of hours required in each category in order to graduate.

The proposed change to Minn. Rule pt. 2100.6100 enhances the learning process of the student by permitting the instructor to complete the patron service upon request by the student. The present rule does not allow an instructor to complete the work of a student barber or patron.

Minn. Rule pt. 2100.6500 prohibits barber schools from advertising for patrons. The proposed rule deletes this section in order to allow barber schools to advertise for patrons.

The Board proposes deletion of Minn. Rule pt. 2100.7200 and 2100.7300, as toilet facilities, etc., are regulated by the Department of Health.

Minn. Rule 2100.7400 requires a main entrance that is designated as a barber shop entrance and used exclusively by barber shop patrons. The proposed rules delete this rule because it is outdated.

The proposed changes delete Minn. Rule pt. 2100.7500 on exempt barber shops. Presently, no shops licensed prior to January 1, 1978, fail to meet the requirements of Chapter 154 and the Rules 2100.

The proposed changes to Minn. Rule pt. 2100.7700, subp. 2, provide that it is not necessary to carry the "Barber Shop" sign from one booth to another where a barber and beautician exchange booths, since the barber is required to display his/her individual license at the occupied booth.

The proposed changes to Minn. Rule pt. 2100.8100 strengthen the sanitation rules and add the alternate option of a dispensary to help the barber who wants to open his/her own shop. The changes also provide two options for sinks for sanitation purposes.

The proposed change to Minn. Rule pt. 2100.8300 relating to water supply is deleted to reflect additions to pt. 2100.8100.

The proposed changes to Minn. Rule pt. 2100.9300 reflect the new fee changes which went into effect in 1986. Parts A through D were added for informational purposes.

Pursuant to Minn. Stat. § 14.115, subd. 2 (1986), the Board has considered the impact of these proposed rules on small business. The Board determined that these changes will not have an impact on the existing shops or schools. The changes will benefit new shop owners by offering alternate ways for meeting sanitation requirements. The changes clarify and simplify the application and examination process for apprentices and barbers. Thus, the Board has determined that the proposed changes will encourage persons to enter the field of barbering.

Board of Barber Examiners

Proposed Permanent Rules Relating to Barber Licensing

Rules as Proposed

2100.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~The following phrases contained in Minnesota Statutes, section 154.11 have the following meanings~~ For the purpose of parts 2100.0100 to 2100.9300, the terms defined in this part have the meanings given them.

Subp. 1a. **Barbering.** The practice of barbering as defined in Minnesota Statutes, section 154.02, means the services described in that section when performed on a living person and includes those services when performed in conjunction with the selling of hair pieces, wigs, or an artificial hair application.

Subp. 2. **A license or certificate of registration as practicing barber.** The phrase "a license or certificate of registration as practicing barber" contained in Minnesota Statutes, section 154.11, means a current certificate of registration as a certified barber ~~and not just as an apprentice~~.

Subp. 3. **Has practiced as a barber.** The phrase "has practiced as a barber" contained in Minnesota Statutes, section 154.11, means that a person has performed the acts of barbering under a certificate of registration as either a registered barber or a registered apprentice.

2100.0200 APPLICATION FOR EXAMINATION.

~~An applicant for examination as a registered apprentice shall file his application with the board not later than the 20th day of the month preceding the month in which the examination is to be given, provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date~~ Upon completion of the required 1,500 hour course of training, the school shall issue each graduate a certificate of completion.

Upon issuance of the certificate of completion, the

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graduate is eligible to be scheduled for the apprentice examination under part 2100.0500.

In an emergency or in a situation beyond a student's control in which the 1,500 hours of training course cannot be completed before the apprentice examination schedule, the board may make an exception from the requirement of course completion if:

A. the course can be completed within the following week after the apprentice examination and before the registered barber examination; and

B. the student has less than 48 hours to complete after the examination schedule in part 2100.0500.

Results of examinations must not be issued until the certificate of completion is filed.

2100.0300 ~~FOREIGN-APPLICANTS~~ NONRESIDENT APPRENTICE QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of an apprentice as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.06, clause (1); ~~and~~

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota ~~does~~; and

(2) ~~instructors to have the same qualifications as Minnesota Statutes, section 154.065, subdivision 2, except the examination referred to in Minnesota Statutes, section 154.065, subdivision 2, clause (e) shall be prescribed and conducted by the barber board of the state in which an instructor is teaching, and~~ a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300; and

~~(3)~~ C. ~~a curriculum that is equivalent to Minnesota~~

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~~Statutes, section 154.07 and rules of the board adopted pursuant thereto~~ must meet the requirements of Minnesota Statutes, section 154.11.

Applicants unable to comply with items A and B shall make up the difference in a Minnesota accredited barber school. Barbering experience may be considered equivalent to or substantially the same as hours in school training.

2100.0500 EXAMINATION DATES.

Examinations for a certificate as a registered apprentice shall be held the first week in February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.0600 CONTENTS OF EXAMINATION.

Each examination ~~shall have~~ consists of six parts~~, consisting of four practical performances including a haircut, shave, and two other practical performances, an oral part, and a written part~~: oral, written, and four practical services. The type of haircut, shave, or beard trim and the two other practical services will be determined at the discretion of the board.

2100.0900 REVIEW OF EXAMINATION RESULTS.

An applicant~~, upon written request,~~ may review his or her examination results at the office of the Board of Barber Examiners during usual business hours.

2100.1000 FAILURE OF EXAMINATION~~, ADDITIONAL FEE~~.

~~An applicant for a certificate of registration to practice as an apprentice who is required to complete a further course of study of not less than 500 hours pursuant to Minnesota Statutes, section 154.06 shall not be required to pay an additional student permit fee, provided, however, that there is no interruption in his course of study~~ A student who fails the apprentice examination shall complete an additional 500 hours to

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be eligible to retake the apprentice examination, as many times as necessary to pass.

2100.1100 APPRENTICE PRACTICE.

The requirement of Minnesota Statutes, section 154.05, clause (4) regarding the practicing as a registered apprentice for a period of ~~15~~ 12 months shall mean licensure for not less than ~~450 days and not less than 2,500~~ 1,500 hours of work time.

2100.1200 ~~QUARTERLY~~ TIME REPORT.

The registered barber who supervises the practice of a registered apprentice ~~will~~ shall file ~~a quarterly report during the 15 month apprenticeship period. See quarterly report~~ an affidavit as to the number of hours the apprentice accumulated under the registered barber's supervision.

2100.1300 HOME STUDY COURSE.

The ~~15~~ 12 months practice of a registered apprentice ~~pursuant to~~ under Minnesota Statutes, section 154.05 shall include completion of the program entitled "Related Home Study Course for Apprentice Barbers" prepared or approved by the ~~Minnesota Department of Education, Vocational Technical Education Division, and such~~ Board of Barber Examiners. The course must be ~~passed~~ successfully completed before the examination may be taken.

2100.1400 PRACTICE COMPLETION BEFORE BARBER EXAMINATION.

A registered apprentice meets the requirements of Minnesota Statutes, section 154.05, clause (4) if ~~he completes his 15 months practice~~ 1,500 hours and 12 months of practice are completed at any time ~~prior to~~ before or within the week in which the examination is given pursuant to Minnesota Statutes, section 154.05, clause (5).

2100.1500 REPORTING PRACTICE UNDER SUPERVISION.

A registered apprentice who practices under the immediate personal supervision of a registered barber must file ~~the following form with the board to receive credit for the~~

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~~practice.--This-form-must-be-filed-within-30-days-after-the registered-apprentice-begins-his-practice.--See-Form-1~~ with the annual license renewal, a statement of the number of hours completed and under whose supervision.

2100.2500 ~~NOTICE-OF~~ EXAMINATION DATES.

Examinations for a certificate as a registered barber shall be held in the second week of February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.2600 APPLICATION FOR EXAMINATION.

An applicant for examination as a registered barber shall file ~~his~~ an application for examination and a sworn affidavit of completing 12 months and 1,500 hours of supervision on forms furnished by the board. This application must be filed with the board ~~not~~ no later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

2100.2700 ~~FOREIGN~~ NONRESIDENT BARBERS; QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for ~~licensing-or-registering-barbers~~ registration of barbers as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.05, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota ~~does~~; and

(2) ~~an-instructor-to-have-the-same-qualifications as-Minnesota-Statutes,-section-154.065,-subdivision-2,-except the-examination-referred-to-in-Minnesota-Statutes,-section~~

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~~154.065, subdivision 2, clause (e) shall be prescribed and conducted by the barber board of the state in which the instructor is teaching, and~~ a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300;

~~(3)~~ C. ~~a curriculum that is equivalent to Minnesota Statutes, section 154.07 and rules of the Minnesota Barber Board adopted pursuant thereto, and~~ must meet requirements for a registered apprentice in Minnesota Statutes, section 154.05, clause (4); and

~~e.~~ D. the same practice requirements for a registered apprentice as set forth in Minnesota Statutes, section 154.05, clause (4).

Applicants unable to comply with items A and B must make up the difference in a Minnesota accredited barber school. Barbering experience may be considered equivalent to or substantially the same as hours in school training.

2100.2900 CONTENTS OF EXAMINATION.

Each examination ~~shall have~~ consists of six parts, ~~consisting of four practical performances including a haircut, shave, and two other practical performances, an oral part, and a written part.~~: oral, written, and four practical services. The type of haircut, shave or beard trim, and the two other practical services will be determined at the discretion of the board.

2100.3200 FAILURE OF EXAMINATION; ADDITIONAL APPRENTICE PRACTICE.

An ~~applicant~~ apprentice who fails to satisfactorily pass an examination for a certificate of registration to practice as a registered barber, must ~~file within 30 days after he begins his practice, Form 1A with the board to extend his registration for six months and enable him to continue practice as an apprentice. (See Form 1A.)~~ practice an additional two months and 300 hours to be eligible to retake the examination. The additional ~~six month~~ two months practice required by Minnesota Statutes, section 154.05, clause (5) shall include not less than

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~~1,040~~ 300 hours of work time. The registered barber who supervises the additional ~~six-month~~ two months practice ~~will~~ must file ~~quarterly reports~~ an affidavit with the board ~~during~~ for the additional practice period.

2100.4500 ~~ADDITIONAL TEACHER TRAINING~~ INSTRUCTOR LICENSE QUALIFICATION.

To qualify for an instructor's ~~vocational certificate in barbering, the applicant, other than temporary teacher, must satisfactorily complete the board's recommended course sequence.~~ examination, an applicant must be a licensed registered barber with five years' experience and hold a current vocational teacher's certificate.

~~A. course sequence must contain either:~~

~~(1) VO. ED. 5300, philosophy and practice of vocational education, or~~

~~(2) IND. 5325, philosophy and practice of industrial education,~~

~~B. and each of the following:~~

~~(1) IND. 5330, industrial course instruction,~~

~~(2) IND. 5301, tests in industrial subjects,~~

~~(3) IND. 5360, industrial instruction,~~

~~C. together with at least two of the following alternate choices:~~

~~(1) IND. 3900, independent study in barbering,~~

~~(2) IND. 5314, administration of industrial education,~~

~~(3) IND. 5303, industrial aids,~~

~~(4) IND. 5306, industrial education workshop,~~

~~(5) IND. 5600, instruction materials laboratory,~~

~~or~~

~~D. any other course approved in writing by the board.~~

2100.5000 LICENSE REQUIREMENT.

No person shall operate a barber school in Minnesota without having first obtained a license from the Board of Barber Examiners. Persons holding a permit for the conduct of a barber

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school which was issued prior to the adoption of these rules ~~shall~~ have a period of 60 days after the adoption of these rules to file the necessary documents showing conformance with these rules with the exception of the course outline required by part 2100.5100, subpart 2. After the date of adoption of these rules all barber schools operating or requesting a license to operate will be governed by and shall proceed in accordance with these rules.

2100.5100 LICENSE APPLICATION.

Subpart 1. **Verified statement.** A person desiring to operate a barber school in Minnesota shall present to the board a verified statement showing at least the following:

A. all information required by Minnesota Statutes, chapter 154 elsewhere in these rules;

B. the name of the applicant or applicants together with their occupations and residences for the ten years immediately prior to making applications;

C. the address of the proposed school;

D. a complete financial statement ~~showing all assets and liabilities of the applicant or applicants and their plan of financing~~; and

E. a plan of operation of the school setting forth the following information:

(1) drawings showing the number of chairs to be installed and showing a minimum of five feet between barber chairs, measuring from center to center, the waiting area must be separate from work stations;

(2) drawings showing classroom space with a minimum area of 25 square feet available for each proposed student in classroom space;

(3) a statement showing that the following will be available: one desk for each student enrolled; one chart on skin and hair; one chart on blood supply to face and neck; one chart on the muscles of the face, head, and neck; one chart on the nerves of the face, head, and neck; one chart on the bones

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of the face, head, and neck; and one blackboard of a size not less than six feet by 3-1/2 feet;

(4) plans showing the following: separate toilet and washroom facilities for men and women; plumbing and sewer system appropriate to the size and use of the building as a barber school; a statement regarding the availability and intended use of municipal sewer and water supplies;

(5) plans for appropriate lighting and ventilating systems;

(6) plans showing use of a type of floor material such as tile or linoleum which may be easily kept clean and sanitary;

(7) plans for proper sanitization facilities including the following: one sink for each barber chair or dispensary as required in part 2100.8100, subpart 3; one closed cabinet for clean towels for each barber chair; one closed container for soiled towels for each barber chair; one time clock; and one hair dryer; ~~two mechanical hand vibrators for each 15 chairs; and two stimulator machines for scalp manipulations for each 15 chairs;~~ and

(8) plans for adequate waiting chairs and clothes racks.

Subp. 2. **Course outline.** All barber schools shall submit to the board a full course outline including each instructional unit, showing a course of instruction comprising an aggregate of not less than 1,500 hours ~~to be completed within 12 months~~, of not more than eight work instruction hours in any one working day. A copy of each school's curriculum will be filed with the board. In the case of applicants for a license to operate a barber school submitted to the board after the adoption of these rules, the application will contain the foregoing statements. Barber schools in existence at the time of adoption of these rules shall have two months from the date of adoption for submission of the outline prescribed by this ~~rule~~ part. All schools shall submit a complete student course syllabus to the board at the time of application for license and any

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renewal ~~thereof~~ of it.

Subp. 3. **Brochure.** Applicants for a license to operate a barber school shall submit a copy of a brochure which will be made available to students upon approval of ~~their~~ the application. This brochure shall list the fees which will be charged; together with enrollment and termination procedures for students. Any change in the tuition fee listed in this brochure must be immediately reported, in writing, to the board.

2100.5200 CONSIDERATIONS IN LICENSE ISSUANCE.

Subpart 1. **Factors.** Upon receipt of an application for establishment of a barber school, the board shall give consideration to the factors in subparts 2 to 5.

Subp. 2. **Public welfare.** The board shall give consideration to any detriment to the public welfare and the need for barber school facilities in the community and neighborhood where the proposed barber school is to be located, giving particular consideration to:

A. the economic character of the community and neighborhood;

B. the effect on existing barber shops and barber schools in the community;

C. the availability of adequate support for the proposed barber school in the community and neighborhood with particular regard to adequate practice for students;

D. the extent to which the proposed barber school would draw patrons from adjacent communities or neighborhoods and the character thereof; and

E. the effect of the establishment of a barber school on the social and economic aspects of the community and neighborhood and adjacent communities and neighborhoods in regard to the proposed site.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Student-license ratio.** ~~"License" as used in this part contemplates an enrollment of 15 students per license issued~~ There must be at least one instructor for every 17

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students enrolled.

2100.5400 CORPORATIONS PROHIBITED.

~~No license shall issue to a corporation~~ No school license shall be issued to a corporation, nor shall the school indicate any affiliation with a corporation.

2100.5600 RENEWAL OF LICENSE.

Subpart 1. **Application.** Owners of barber schools shall make annual application for renewal of their licenses in accordance with the rules of the board. The board shall make a new determination annually that the school meets the requirements of Minnesota Statutes, chapter 154, ~~as amended, and the rules and regulations~~ and part 2100.5100, subpart 2, of the board before ~~renewal of the license shall issue~~ issuing the renewal license.

Subp. 2. **Nonrenewal; hearing.** In the event that a license is not renewed by the board upon application pursuant to these rules, the aggrieved applicant may by written notice to the board request a public hearing concerning the denial of his or her application in accordance with Minnesota Statutes, chapter 14, and rules ~~promulgated~~ adopted thereunder.

2100.5700 REGISTERED INSTRUCTORS, TEMPORARY TEACHER, OR EMERGENCY TEACHER.

Subpart 1. **Number of registered instructors.** The provisions of Minnesota Statutes, section 154.07 requiring one registered instructor for every ~~15~~ 17 students or minor fraction in excess thereof applies to classroom instruction as well as practical instruction. "Minor fraction in excess thereof" means a maximum of 20 students per instructor for a period of no more than three months. An applicant shall name in ~~his~~ the application the names of all instructors and teachers. The board will not issue a temporary ~~instructor's certificate~~ teacher's permit for a new school. To assure barber school students adequate uninterrupted training, a temporary teacher's permit can be issued upon approval of the board.

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Subp. 2. **Temporary permits.** This subpart applies to temporary teacher's permits.

A. To be granted a temporary teacher's permit, a permit applicant must:

(1) hold a current Minnesota registered barber's license;

(2) have practiced for at least two years as a registered barber; and

(3) show proof of a temporary vocational teaching permit and continuous enrollment taking courses as required by part 2100.4500.

B. Application forms will be prepared and furnished by the board. Applications must be signed and sworn to by the applicant and contain proof of the minimum qualifications and qualifications for a teacher's vocational certificate and the barber instructor examination. The applicant shall furnish to the board two photographs, three inches by five inches in size, signed by the applicant. One photograph must be returned with the permit and one must be kept on file with the application.

C. The applicant shall pay the required application fee.

D. Permits must be annually renewed on or before December 31 of each year.

E. The permit must be posted in the school.

F. A barber school may only have a temporary teacher for each licensed instructor or for each 17 students at any given time.

G. Persons holding a temporary teacher's permit shall immediately inform the board of any change in location of the teacher's work place.

H. The board will not issue a temporary teacher's permit for a new school or for expansion of a school.

I. A temporary teacher's permit is valid for four years from the date it is issued if continued educational courses are being pursued.

J. Any request for a temporary teacher's permit must

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be made by the applicant and verified by the school of barbering.

K. The Board of Barber Examiners shall keep an active list of all instructors and temporary teacher's permits.

L. All temporary teacher permit holders shall notify the board of any change in the permitee's work place, address, or phone number.

Subp. 3. **Emergency teacher permit.**

A. To assure barber school students adequate uninterrupted training, an emergency teacher permit may be issued in an emergency if:

(1) a sudden unexpected happening of an unforeseen occurrence or condition demanding sudden or unexpected actions, exigency, or pressing necessity occurs;

(2) the board is notified by the school immediately after an emergency arises and is informed as to the nature of the emergency and who is being considered as the emergency teacher;

(3) the board verifies that no licensed instructor or temporary teacher is available; and

(4) an applicant holds a current registered barber license.

B. Upon the fulfillment of the conditions provided in item A, an emergency teacher's permit shall be issued without delay. The maximum duration of an emergency teacher permit is 30 days.

2100.6000 HOURS OF INSTRUCTION.

~~The course of instruction required by Minnesota Statutes, section 154.07 shall include a training day including both classroom and practical instruction. Practical instruction shall not be given for more than 6 1/2 hours per day. Classroom instruction shall be given for 1 1/2 hours each day for each eight hour day and one hour for each 6 1/2 hour day.~~ Each student, including each part-time student, must complete at least 281 classroom hours and 1,219 practical hours in the required 1,500-hour course.

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2100.6100 STUDENT WORK COMPLETION.

~~A-barber-school-student-must-complete-all-services-given-to the-patron-of-a-barber-school.--Under-no-circumstances-will-the barber-school-owner-or-instructor-finish-the-services-on-patrons~~ An instructor may help a beginning student finish a service on a patron upon request by the student.

2100.7700 OTHER USE OF PREMISES.

Subpart 1. **Prohibited uses.** No person shall use any room or part of a place which is also used for residential purposes, or any business purpose other than barbering, unless ~~such~~ the areas are separated by substantial partition, extending from the floor to the ceiling. Further, any door or other entrance leading into the residential or other business portion of the building must be used only for the passage of barbers or other employees.

Subp. 2. **Exception: barber shop with beauty shop.** Subpart 1 notwithstanding, a beauty shop and a barber shop may be operated in conjunction, without ~~the-same~~ being separated by a partition of ceiling height. ~~When-a-barber-shop-is-operated in-conjunction-with-a-beauty-shop,-the-barber-shop-area-must-be designated-as-such-by-a-prominently-displayed-sign-stating "Barber-Shop"-with-letters-at-least-two-inches-high.~~

2100.8100 SANITIZATION.

Subpart 1. **Instruments.** Razors, shears, combs, clipper blades, hairbrush, and all other instruments or appliances that come in contact with the head, neck, or face must be thoroughly cleaned and sanitized by submersion for a minimum of two minutes after use on each patron. As an alternative to submersion, clipper blades and shears may be treated by spraying them with a commercial spray containing active ingredients not less than 0.25 percent o-phenyl phenol, 11.00 percent isopropyl alcohol, and 88.75 percent inert ingredients. As an extra measure, instruments may be wiped or sprayed with a solution of 10:1 household bleach before being used. When not in use, they must

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be kept in a clean closed compartment provided for and used only for storage of ~~such equipment~~ instruments. Styptic pencil and lump alum are positively prohibited. Contact with raw blood or body fluids should be avoided. If accidentally exposed, immediate washing with soap and running water is required.

Subp. 2. **Sanitizer.** All barber shops and barber schools shall have in use at all times at each chair a wet or dip sanitizer which is adequate in size to accommodate all instruments to be used on each patron. The wet sanitizer shall contain a suitable chemical bactericide solution which shall be bacteriologically effective, such as 0.1 percent suitable quaternary ammonium compound, or by other means having a solution equivalent to five percent phenol, or other chemical sanitizing agent having equivalent bactericidal effect. The chemical solution shall be changed daily or more often, as needed.

One dip disinfectant solution container will be kept for each barber chair in operation. Instruments immersed in the dip disinfectant solution container will be carefully rinsed in warm running water before use. Failure to provide a sink or dip disinfectant solution container constitutes prima facie evidence that instruments are not properly sanitized.

At least one sink or lavatory must be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory must be provided for each two barber chairs at which the barbers work. Each barber must have free access to the sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers.

Subp. 3. **Dispensary.** A dispensary must be located in each barber shop and each barber school where hot and cold running water is not present within five feet of the working chair. A dispensary is a room, booth, or area where implements will be cleansed, disinfected, and stored. A dispensary must contain the following furnishings:

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A. A container large enough to accommodate all soiled implements in which those instruments, such as combs and brushes, can be totally immersed for washing. All nonimmersive or electrical implements such as clippers, clipper blades, and shears must be sprayed according to subpart 1.

B. One sink with hot and cold running water to cleanse implements mentioned in item A to be used for washing of hands before serving each patron.

C. A container with suitable chemical bactericide solution to accommodate and immerse all immersible implements after being washed for at least two minutes before being used or stored.

D. A container large enough for storage of clean disinfected implements.

E. A container filled with fresh disinfectant solution in which razors will be stored or dipped at least two minutes before being used.

Subp. 4. **Hand washing.** Hands shall be washed with soap and running water immediately before serving each and every patron.

Subp. 5. **Implement storage.** Implements that require washing and disinfecting by total immersion must not be stored at the work station unless running water is present at the working chair.

Subp. 6. **Shampoo sinks.** The shampoo area shall have one shampoo sink for each six chairs.

Subp. 7. **Minimum implements.** Each barber shall have at least 15 combs and ten brushes.

2100.9300 FEES.

Subpart 1. **Fee schedule.** The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber, $55;

B. examination and certificate, apprentice, $50;

C. examination, instructor, $150;

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D. certificate, instructor, $35;

E. temporary teacher permit, $25;

~~E.~~ F. renewal of license, registered barber, $25;

~~F.~~ G. renewal of license, apprentice, $20;

~~G.~~ H. renewal of license, instructor, $35;

I. renewal of temporary teacher permit, $25;

~~H.~~ J. student permit, $10;

~~I.~~ K. initial shop registration, $50;

~~J.~~ L. initial school registration, $1,000;

~~K.~~ M. renewal shop registration, $35;

~~L.~~ N. renewal school registration, $200;

~~M.~~ O. restoration of registered barber license, $50;

~~N.~~ P. restoration of apprentice license, $45;

~~O.~~ Q. restoration of shop registration, $60;

~~P.~~ R. change of ownership or location, $25; and

~~Q.~~ S. duplicate license, $10.

Subp. 2. **Duplicate license.** Any photocopy of a license made by the board for an official purpose shall be stamped with the office state seal.

Subp. 3. **Restoration fee.** A restoration fee is a fee charged a licensee to restore a license that has not been renewed in a timely manner. The fee is comprised of the license fee plus a late penalty fee.

Subp. 4. **Renewals; schedule.** This subpart governs renewals of licenses and registrations.

A. Apprentices, barbers, instructors, temporary teacher permits, and school licenses shall renew their licenses by no later than December 31 of each year for the ensuing year to avoid a late penalty fee.

B. Shop registration shall be renewed by no later than June 30 of each year for the ensuing year to avoid a late penalty fee.

C. Change of location and change of ownership shall be filed within 30 days of the action.

Subp. 5. **License requirements.** An active barber must hold a current license and must post it at the work station.

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REPEALER. Minnesota Rules, parts 2100.0400; 2100.1600; 2100.2800; 2100.4300; 2100.4400; 2100.5200, subparts 3 and 4; 2100.6500; 2100.7200; 2100.7300; 2100.7400; 2100.7500; and 2100.8300 are repealed.

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Office of the Revisor of Statutes

Administrative Rules

TITLE: Proposed Permanent Rules Relating to Barber Licensing

AGENCY: Board of Barber Examiners

MINNESOTA RULES: Chapter 2100

The attached rules are approved for publication
in the State Register

David S. Niss
Assistant Revisor

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STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS
SAINT PAUL 55101

BOARD OF BARBER EXAMINERS

Notice of Solicitation of Outside Information or Opinions Regarding Proposed Rules Governing Barbers' Licensing and Operation.

Notice is hereby given that the State Board of Barber Examiners is seeking information or opinions from sources outside the agency in preparing to propose the amendment of Minnesota Rules 2100.0100/2100.9200 governing Barbers' Licensing and Operation. The adoption of the rule is authorized by Minnesota Statutes, section 154.065, subdivision 5/154.24, which requires the agency to solicite outside information and opinions.

The State Board of Barber Examiners requests information and opinions concerning the subject matter of the rule. Interested persons or groups may submit data or views on the subject matter of concern in writing or orally. Written statements should be addressed to: Adam J. Mikrot, Executive Secretary, Board of Barber Examiners, 500 Metro Square Building, St. Paul, Mn. 55101. Oral statements will be received during regular business hours over the telephone at (612) 296-2364 and in person at the above address.

All statements of information and opinions shall be accepted until January 1, 1988. Any written material received by the State Board of Barber Examiners shall become part of the rulemaking record to be submitted to the attorney general or administrative law judge in the event that the rule is adopted.

Dated: October 20, 1987

Adam J. Mikrot
Executive Secretary

Statutory Authority: MS s 14.06; 14.09
History: 11 SR 618

notification of the date of submission to Attorney General. 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 adopted rule, must submit the written request to Julie Kress at the above address.

The emergency rule will take effect five working days after approval by the Attorney General and be effective for 180 days. The emergency rule will be continued in effect for an additional 180 days if the agency gives notice of continuation in accordance with *Minnesota Statutes*, Section 14.35.

Dated: 10 November 1987

Ray Bohn, Commissioner
Department of Labor and Industry

Rules as Proposed (all new material)

5219.0010 [Emergency] PURPOSE.

This chapter is intended to provide a schedule of reasonable charges for copies of health care provider records or reports substantiating the nature of a medical bill and its relationship to the work injury. The privacy of medical reports or records under other provisions of law is not to be affected by this chapter.

5219.0020 [Emergency] SCOPE.

This chapter is applicable to charges for copies from health care providers as defined in Minnesota Statutes, section 176.011, subdivision 24.

5219.0030 [Emergency] COST OF MEDICAL RECORDS.

Subpart 1. **Doctor's office notes.** No charge is allowed for a copy of a doctor's office notes covering the services billed.

Subp. 2. **Schedule of charges.** Reasonable charges for other copies of existing medical records or reports obtained from health care providers under Minnesota Statutes, section 176.135, subdivision 7, are as follows for each patient:

A. $5 per file as a retrieval fee;

B. 75 cents a page for up to 20 pages;

C. 50 cents a page for the next 32 pages; and

D. 25 cents a page for all remaining pages.

Subp. 3. **First report form, maximum medical improvement.** Part 5220.2590, subpart 4, governs the physician's first report form and the maximum medical improvement form. No charge is allowed as provided in that part.

Official Notices

Pursuant to the provisions of Minnesota Statutes § 14.10, an agency, in preparing proposed rules, may seek information or opinion from sources outside the agency. Notices of intent to solicit outside opinion must be published in the *State Register* and all interested persons afforded the opportunity to submit data or views on the subject, either orally or in writing.

The *State Register* also publishes other official notices of state agencies, notices of meetings, and matters of public interest.

Board of Animal Health

Notice of Quarterly Board Meeting

A quarterly meeting of the Board of Animal Health has been scheduled for Friday, December 11, 1987 at the Board of Animal Health offices, 90 W. Plato Boulevard, St. Paul, Minnesota at 9:30 a.m.

Information about this meeting may be obtained by calling the Board office at 612-296-5000.

Thomas J. Hagerty, DVM
Executive Secretary

Board of Barber Examiners

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Dated: 20 October 1987

Adam J. Mikrot
Executive Secretary

Statutory Authority: *Minnesota Statutes*, sections 14.06; 14.09
History: 11 SR 618

Emergency Response Commission

Meeting Notice for Local Emergency Planning Committee

Notice is hereby given that the Local Emergency Planning Committee established by the Emergency Response Commission under Title III ("Emergency Planning and Community Right-to-Know Act") of the Superfund Amendments and Reauthorization Act of 1986 has scheduled meetings on November 23, 1987 and December 21, 1987 at 9:00 a.m. The Committee is responsible for establishing standard procedures for receiving and processing requests from the public for hazardous material information and for reviewing emergency plans prepared by counties and municipalities. By July 1988, seven Committees will be established by the one Local Emergency Planning Committee. Contact the State Emergency Response Commission (612/296-0481) for additional information on agenda items, location, and future meeting dates.

Emergency Response Commission

Meeting Notice and Preliminary Agenda

1. Approval of minutes of previous meeting.
2. Introduction of new agenda items.
3. Subcommittee Reports
   a. Reporting and Public Requests
   b. Emergency Plan Review
   c. Local Committee Appointments and Rules
   d. Education and Training
4. Open—New Business

Meeting dates and locations are:

December 10, 1987	Room 300 No., State Office Bldg.
January 14, 1988	Room 300 No., State Office Bldg.
February 11, 1988	To be determined
March 10, 1988	To be determined
April 14, 1988	To be determined
May 12, 1988	To be determined
June 9, 1988	To be determined

All meetings will be held at 11:00 a.m. Contact the Commission for additional information (612/296-0481).

Below you will find a copy of the Rules which the Board is proposing to change in the near future. Each Rule is liste wice. The first listing is ho ne Rule appears now, the 2nd listing is the way the Rule ...ll appear after the proposed c...ge. The Board is requesting that you submit any comments or suggestions on these changes to the Board, in writing, by JANUARY 15, 1988.

2100.1300 HOME STUDY COURSE - EXISTING RULE

The 15 months practice of a registered apprentice pursuant to Minnesota Statutes, section 154.05 shall include completion of the program entitled "Related Home Study Course for Apprentice Barbers" prepared by the Minnesota Department of Education, Vocational-Technical Education Division, and such course must be passed before the examination may be taken.

2100.1300 HOME STUDY COURSE - PROPOSED RULE

The 15 months practice of a registered apprentice pursuant to Minnesota Statutes section 154.05 shall include completion of a program entitled "Related Home Study Course for Apprentice Barbers" prepared by or approved by the Board of Barber Examiners, and such course must be passed before the examination may be taken.

2100.5200 Subpart 3 MINIMUM POPULATION - EXISTING RULE

For purposes of this part, it is deemed by the board as not being in the interest of the public welfare to approve the issuance of a license for the establishment of a barber school in a municipality of less than 100,000 population, or where there would be in excess of one barber school for each 75,000 of population.

2100.5200 Subpart 3 MINIMUM POPULATION - PROPOSED RULE

This subpart will be completely deleted.

2100.5200 Subpart 4 MINIMUM ENROLLMENT - EXISTING RULE

No applicant to whom a license for the operation of a barber school has been issued shall commence operation of such school with fewer than ten students enrolled.

2100.5200 Subpart 4 MINIMUM ENROLLMENT - PROPOSED RULE

This subpart will be completely deleted.

2100.6500 ADVERTISING - EXISTING RULE

No barber school shall advertise for patrons.

2100.6500 ADVERTISING - PROPOSED RULE

This Rule will be completely deleted.

2100.8300 WATER SUPPLY - EXISTING RULE

The water supply, sewage disposal system, and toilet facilities shall comply with the requirements of the Minnesota Board of Health. Water heating equipment capable of supplying ample hot water of at least 160 degrees Fahrenheit shall be provided. At least one sink or lavatory shall be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory will be provided for each two barber chairs at whi barbers are currently working, with each barber having free access to such sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers. The failure to provide a sink or lavatory as provided in this part is prima facie evidence that proper sterilization and hand washing does not occur.

2100.8300 WATER SUPPLY - I 'OSED RULE

The water supply, sewage disposal system, and toilet facilities shall comply with the requirements of the Minnesota Board of Health. Water heating equipment capable of supplying ample hot water shall be provided. At least one sink or lavatory shall be provided for each six barber chairs.

2100.8100 Subpart 2 SANITIZER - EXISTING RULE

All barber shops and barber schools shall have in use at all times at each chair a wet or dip sanitizer which is adequate in size to accommodate all instruments to be used on each patron. The wet sanitizer shall contain a suitable chemical bactericide solution which shall be bacteriologically effective, such as 0.1 percent suitable quaternary ammonium compoun or by other means have a solution equivalent to five percent phenol or other chemical sanitizi agent having equivalent bactercidal effect. The chemical solution shall be changed daily or more often, as needed.

One dip disinfectant solution container will be kept for each barber chair in operation. Instruments immersed in the dip disinfectant solution container will be carefully rinsed in warm running water before use. Failure to provide a sink or dip disinfectant solutio container constitutes prima facie evidence that instruments are not properly sanitized.

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One dip disinfectant solution container will be kept for each barber chair in operation or a central dispensary. If a central dispensary is provided, each barber will be required to have 15 combs and 10 brushes.

OFFICE AT
METRO SQUARE BUILDING
5TH FLOOR
(612) 296-2364

STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS
SAINT PAUL 55101

December 17, 1987

Board of Barber Examiners
500 Metro Square Building
St. Paul, Mn. 55101

Dear Board Members:

I propose Rule 2100.7100 (Permanent Location) be eliminated or changed to allow for a mobile barber shop.

This rule when originally adopted was to eliminate competition for the existing barber shops and there were no mobile vehicles which could provide proper sanitation, hot and cold running water nor a holding tank for waste water.

In this day and age where competition is encouraged, numerous health facilities are not getting or cannot provide for barbering services. Many small towns don't even have barber shops and that today mobile vehicles can provide all necessary sanitary requirements to protect the public, I feel this rule must be changed or eliminated.

Sincerely yours,

Adam J. Mikrot

Adam J. Mikrot
1969 Utica Ave.
St. Paul, Mn. 55119

1538 Mankato Mall
Mankato, MN 56001
December 23, 1987

Board of Barber Examiners
500 Metro Square Building
St. Paul, MN 55101

Dear Board of Examiners:

On Sunday, December 6, 1987, the Associated Master Barbers of Minnesota held their 57th annual convention in Mankato at which time the "Rules of the Board of Examiners" were reviewed. The following proposals or changes were recommended to be considered by you:

2100.0400 Foreign Applicants Reference - Delete

2100.0800 Models Used in Practical Examination - Strike the word "reject"; therefore reading: The Board of Barber Examiners shall have discretion to change or supply models, etc.

2100.1100 Apprentice Practice - Change to 2,000 hours. The requirement of Minnesota Statutes, Section 154.05, Clause (4) regarding the practicing as a registered apprentice for a period of 12 months shall mean licensure for not less than 365 days and not less than 2,000 hours of work time.

2100.1200 Quarterly Report - The registered barber who supervises the practice of the apprentice will file a quarterly report during the 2,000 hour apprenticeship period.

2100.1300 Home Study Course - Delete

2100.2500 Eliminate the examination for registered barbers. Require instead certification from the registered barber who supervises the practice of a registered apprentice to be filed with the State Board of Barber Examiners upon completion of 2,000 hours, whereupon a registered license will be issued for the fee.

2100.2600, 2700, 2800, 2900, 3000, 3100, 3200 - Can all be deleted since they all pertain to the registered barbers examination.

2100.3400 Continuing Education - All registered barbers will be required to complete 16 hours of continuing education in one calendar year. These hours may be obtained by:

1. Attending trade shows.
2. Attending seminars.
3. Attending classes.

2100.5200 Eliminate Subp. 3. Minimum population, and Subp. 4. Minimum enrollment.

It was the decision of the Associated Master Barbers that the home study course is obsolete with no real practical application. Many of the barbers have had apprentices in their employment and can relate to the issue.

If you should have any questions regarding these recommendations, please do not hesitate to contact me.

Sincerely yours,

B. A. Koenigs
Vice President
Associated Master Barbers
of Minnesota

cc: Becky Tweed Powers
President

1538 Mankato Mall
Mankato, MN 56001
December 30, 1987

Board of Barber Examiners
500 Metro Square Building
St. Paul, MN 55101

Dear Board of Examiners:

Upon review of the letter dated December 23, 1987 which I wrote to you I neglected to mention three more rules changes recommended by the Association. They are as follows:

2100.5800 Student Aptitude Test - Delete

2100.6300 Student Observation Sheet - Delete

2100.6500 Advertising - Delete

Thank you.

Sincerely yours,

B. A. Koenigs
Vice President
Associated Master Barbers
of Minnesota

c: Becky Tweed Powers
President

(1)

Board of Barber Examiners
500 Metro Square Bldg.
St. Paul, MN 55101

12/2/87

Board members;

This letter is in response to the information included with my license renewal.

In response to 2100.5200 subpart 3: Why is this no longer "deemed by the board as not being in the interest of the public welfare"?!

Sounds like less quality training for students/or more business taken away from already established businesses. Would you like a barber school to open right next door to your business or school?

2100.8300 Water supply: proposed:
"One sink or lavatory shall be provided for each six barber chairs"
Every six barber chairs?!
I am really flabergasted! You (over)

enclosed with these proposed changes a paper about how to "protect ourselves and the public against aids and hepatitis B viruses in the barber shop". The #1 statement is "Wash hands with soap and water before and after each patron" —

But in order for me to do this - I have to first walk down "6" barber chairs to wash my hands - not to mention rinse off my combs, etc.!

Now, does this sound like it's in the public's interest to you? If anything - the rule should change from every two chairs, to every chair being required to have a sink!

Also, you are proposing that the bactericide solution not have to be changed at least daily? What's wrong with you people? I sure would not want to have my hair combed with a comb that's been sitting in bactericide solution that is a week old! - so who's the judge

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BOARD OF BARBER EXAMINERS

on "as often as needed."!

By the things I've seen the board propose as rule changes, somehow it doesn't make me feel any better that you will "prepare or approve a home study course for an apprentice barber". — I can just imagine what that would look like!

But, I'm sure you'll have another "paid" meeting to get through the mess you're making out of the so called "Barber Industry" — but of course - it's in the "public's interest"!
Sounds like political bologne if you ask me!

Lori Dehnlein

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1987
BOARD OF BARBER EXAMINERS

[redacted]

1-6-88

To Barber Board

1 - 2100.1300 ~~Home~~ study course
Existing rule. I am for this rule

2- 2100.5200 Subpart 3 minimum
population - existing rule.
I am for this rule

3. 2100.5200 Subpart 4 minimum
enrollment - existing rule
I am for this rule

BOARD OF BARBER EXAMINERS

4. 2100.6500 Advertising existing rule
I am for this ~~rule~~

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5. 2100.8300 Water supply - existing rule
I am for this rule

[redacted]

6. 2100.8100 Subpart 2 sanitizer existing rule
I am for this rule

over

[redacted]

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BOARD OE BARBER EXAMINERS

[redacted]

[redacted]

File # 01-072

DUE DATE: 88/01/22

IN DATE: 88/01/08

SUBJECT: Rule change made by Barbers Board

Soliday, Ernest
600½ 1st Avenue South
St. James, MN 55608

OUT DATE: _____

DEPT: Board of Barber Examiners

SIGNED: _____

Please return this tracking sheet with date and signature when response was sent out. Mail it to Ron Meuser(EXT: 6-0014) at the Governor's Office. Thanks.

[redacted]

Ernest Soliday
600½ 1st Ave S
St. James, Mn 5608

Jan 5-1988

The Honorable Rudy Perpich
Governor Of Minnesota
State Capitol Bldg.
St. Paul, Minnesota 55155

Sir:
I am inclosing a photo copy of a letter I sent to the State Barber Board concerning new rule changes that they wish to make.
In this letter I explaine why I am opposed to these changes as I feel it would jeopardize my lively-hood as well as other Barbers here in the State of Minnesota.
I Earnestly solicit your help on behalf of the existing barbers here in Minnesota.

Sincerely;
Ernest Soliday
Minnesota Barber License no.- 0714

Jan 5-1988

Minnesota State Board of Barber Examiners
Att: Henry Sniezik, Chairperson
Kenneth Kirkpatrick, Secretary
Terry Maw, Member
Larry Suborich, Public Member
Adam Mikrot, Executive Secretary
Virgil Ellis, Inspector

Re: Minnesota State Barber rules proposed Changes
Certified Letter no - P 473-676 283

I am vehemently opposed to the following rule changes, and so I am including my comments to why I feel these are a detriment to the Barber Profession.

2100.5200 Subpart 3 MINIMUM POPULATION - EXISTING RULE

For purposes of this part, it is deemed by the board as not being in the interest of the public welfare to approve the issuance of a license for the establishment of a barber school in a municipality of less than 100,000 population, or where there would be in excess of one barber school for each 75,000 of population.

2100.5200 Subpart 3 MINIMUM POPULATION - PROPOSED RULE

This subpart will be completely deleted.

2100.5200 Subpart 4 MINIMUM ENROLLMENT - EXISTING RULE

No applicant to whom a license for the operation of a barber school has been issued shall commence operation of such school with fewer than ten students enrolled.

2100.5200 Subpart 4 MINIMUM ENROLLMENT - PROPOSED RULE

This subpart will be completely deleted.

2100.6500 ADVERTISING - EXISTING RULE

No barber school shall advertise for patrons.

2100.6500 ADVERTISING - PROPOSED RULE

This Rule will be completely deleted.

If the above rules were adopted what you could conceivably get into is CUT-RATE barber shops in every hamlet operating under the disguise of a Barber School advertising CUT-Rate prices for patrons. Thus eliminating Barber Shops such as the one I derive my living at.
Remember this would be very lucrative for these so called

Barber School owners, as they receive 100%
of the money brought in plus tuition.

2100.8300 WATER SUPPLY - EXISTING RULE

The water supply, sewage disposal system, and toilet facilities shall comply with the requirements of the Minnesota Board of Health. Water heating equipment capable of supplying ample hot water of at least 160 degrees Fahrenheit shall be provided. At least one sink or lavatory shall be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory will be provided for each two barber chairs at which barbers are currently working, with each barber having free access to such sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers. The failure to provide a sink or lavatory as provided in this part is prima facie evidence that proper sterilization and hand washing does not occur.

2100.8300 WATER SUPPLY - PROPOSED RULE

The water supply, sewage disposal system, and toilet facilities shall comply with the requirements of the Minnesota Board of Health. Water heating equipment capable of supplying ample hot water shall be provided. At least one sink or lavatory shall be provide for each six barber chairs.

This would be ridiculous to think that one sink or lavatory would be adequate if six barber chairs were in use at the same time, [redacted] even 3 for that matter if you had many shampoos.

Respectfully
Ernest Soliday
600 ½ 1st Ave S.
St James, Mn 56081
1986 Barber license no. -0714

Photo Copies; E.S. File, Governor Perpich

Dear Barber Board Members,

In light of the Health service recommendations concerning handwashing and the washing of combs and brushes, in the fight against the spread of AIDS and hepatitis B viruses, I think the proposed water supply rule 2100.8300 and the proposed sanitizer rule 2100.8100 are inadequate.

For the water supply rule 2100.8300 it would be fine to have 1 sink for every 6 barbers if the part of the existing rule about free and unobstructed access was retained along with the part about the failure to provide such would be proof enough ~~proof~~ that proper sanitation and handwashing aren't being done.

The proposed sanitizer rule 2100.8100 leaves out the part of the existing rule about rinsing the sanitizer solution off brushes and combs. I think many people (myself included) prefer

that solutions and any bits of hair etc. floating in them be rinsed off. Also sanitizer solutions need time to work. In the proposed rule there is no clear provision in the part about a central dispensory that prevents a barber from inadvertantly taking out and using a brush or comb that had just been put into the dispersory, thus not giving the solution time to work.

These concerns may seem silly but the public is very wary these days. If anything, we should step up our efforts rather than relaxing our sanitation requirements.

Respectfully,
Leslie Andresen

John F. Stevens Barber
401 No. Front Street • Mankato, MN 56001
(507) 388-8983

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DEC 22 1987
BOARD OF BARBER EXAMINERS

12/18/87

Board of Barber Examiners
5th Floor, Metro Square Bldg.
St. Paul, Mn. 55101

Dear Sirs:

I am writing to voice my opposition to certain proposed rules changes, as follows;

2100,5300, Subpart 3. I am strongly opposed to changing this part of the rules. We have enough competition without having Barber Schools in the smaller cities. I also think that Barbers problems are not going to be helped by having more Barbers. What we need are better Barbers, and a return to shorter, tapered mens hair styles (which seems to be happening). Subpart 4. I could possibly see the number of students lowered, but would that be in the best interests of the Schools? It would seem to me that it would take at least that many students to be profitable and do a good job of instructing.

2100,6500 I think Barber Schools should be allowed to advertise like any other business. This would be a good change.

2100,8300 This rule is good, as is. 160° water will kill just about any kind of germ, and I think we all know that if you have 1 sink for 6 barber chairs, hands are not going to be washed before and after each customer.

Thank you for your consideration on these matters.

Sincerely, John F. Stevens

December 23, 1987

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DEC 28 1987
BOARD OF BARBER EXAMINERS

Mr. Adam J. Mikrot
Executive Secretary
Board of Barber Examiners
500 Metro Square Building
St.Paul, Minnesota 55101

Dear Mr. Mikrot:

In reference to your letter dated December 17th, 1987, I object to striking 2100.5200 subpart 4, Minimum Enrollment. I would request that you leave this rule intact. If deleted, any barber shop could become a school and I don't believe that this was the intent of the Board. It's one thing to relax the laws but to overreact is a serious problem too.

I recommend all other changes and I would add that you should strike the hours regulated, as barber schools need to be open evenings to handle part-time students and to effectively compete with beauty schools.

I hope that these changes will be enacted in time to save the existing schools.

Your attention to this matter is appreciated.

Sincerely,

Joe Francis
Chairman of the Board

JF:lp

The Barbers, Hairstyling for Men and Women, Inc. 300 Industrial Boulevard N.E. Minneapolis, Minnesota 55413
Telephone (612) 331-8500

2100.8300 WATER SUPPLY - PR ;ED RULE

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2100.5200 Sub 3 — Please dont make this change!

Thomas J. Winzenburg
Mn. lic # 2259

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19 1988
BOARD OF BARBER EXAMINERS

Below you will find a copy of the Rules which the Board is proposing to change in the near future. Each Rule is listed twice. The first listing is the Rule appears now, the 2nd listing is the way the Rule will appear after the proposed change. The Board is requesting that you submit any comments or suggestions on these changes to the Board, in writing, by JANUARY 15, 1988.

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1-13-88

Board of Barber Examiners

Sirs:

In viewing the proposed rule changes that were sent to me, I agree that all of the current rules should be changed to the proposed rules.

I am very happy to see that some of the changes are happening, especially sub-part 3 of population. Just maybe, we can have a school in St. Cloud that will produce students that we can use. It would also create a choice for interested students wanting "hair" as their livelihood.

2100.6500 Advertising - How dumb! It's about time. I will be the first to admit that when things are going well, it's easy to remain silent. While I was working alone last Summer for 3 months & 3 weeks, nobody probably raised more hell & made more noise than I. The changes are a start and I agree with all of them. These are not the only rules/laws that could use changing.

Sincerely

Richard Nachtrieb

Richard RFHC
112 Roosevelt Road.
ST Cloud Minn
56301

STATE OF MINNESOTA
BOARD OF BARBER EXAMINERS

In the Matter of the Proposed Adoption of the Rule of the State Board of Barber Examiners Governing Barber Licensing.

NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

Notice is hereby given that the State Board of Barber Examiners intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in Minnesota Statutes, sections 14.22 to 14.28. The statutory authority to adopt the rule is Minnesota Stat. 154.24.

All persons have 30 days in which to submit comment 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.

Any person may make a written request for a public hearing on the rule 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 public 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 agency will proceed pursuant to Minnesota Statutes, sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Maureen Tibbetts
Board of Barber Examiners
5th Floor Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
612-296-2364

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The rules proposed for adoption relate to the following matters: qualifications for apprentice examinations, qualifications for registered barber examinations, qualifications to temporary or emergency teacher permits, elimination of population and enrollment requirements for barber schools, elimination of toliet facilities in barber shops, addition of a dispensary requirement if hot and cold running water is not present at the working chair. A free copy of the rule is available upon request from the Board of Barber Examiners, 5th Floor Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed

rules have been prep d and is available from Board of Barber Examiners, at the above address and telephone number, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to the Board of Barber Examiners at the above address.

Maureen Tibbetts

Maureen Tibbetts, Secretary
Board of Barber Examiners

Dated: 9/1/88

PERSONS TO BE NOTIFIED OF HEARINGS

BOARD MEMBERS

BARBER SCHOOLS

UNION

Arthur O. Dahl - 4306 Otsego - Duluth, Mn. 55804

Leslie M. Langton - 100 W. 13th - Int'l. Falls, Mn. 56649

Jerome C. Moore - 1521 4th Ave. SW - Rochester, Mn. 55901

Francis Farrell - 607 Olmstead - Winona, Mn. 55987

Robert Bouten - 10609 W. River Road - Mpls., Mn. 55443

AMBBA

Becky Powers - 10560 Sumter Lane - Bloomington, Mn. 55438

Jeffrey & Pamela Roberts - 3378 Bellaire Ave. - White Bear Lake, Mn. 55110

Roger D. Miller - 8522 Polk St. NE - Mpls., Mn. 55435

Bernie Koenigs - 100 Blace - Eagle Lake, Mn. 56024

Dick Holtz - 668 W. 7th - St. Paul, Mn. 55102

Harvey Engelby - 125 Maple St. - Fairmont, Mn. 56031

Robert I. Bergs - 1043 South Madison - Shakopee, Mn. 55379

W. E. Boeder - 5325 Bloomington Ave. - Mpls., Mn. 55417

Karen Abbott - 311 Savage Lane - St. Paul, Mn. 55117

Wallace Willette - Wally's Barber Shop - Dassel, Mn. 55325

Kenneth Wendt - Rt. 4 - Fegus Falls, Mn. 56537

Phil Dietz - 208 Ash St. - Montgomery, Mn. 56069

Robert Sanders - 921 Victoria - Fairmont, Mn. 56031

Gary Hackbarth - Rt. 5, Box 48-A - Austin, Mn. 55912

Don Myers - 505 Cook St. - Redwood Falls, Mn. 56283

SECRETARY OF STATE LIST

William L. Proulx - 4886 No. 126th St. - White Bear Lake, Mn. 55110 returned

OTHERS

Judy Hoersten - 5051 France Ave. So. - Mpls., Mn. 55410

Joseph Francis - 730 Carla Lane - St. Paul, Mn. 55109

Robert Franklin, City Editor - Mpls. Star & Tribune - 425 Portland Ave. - Mpls., Mn. 5548

Phillips Legislative Service, Inc. - 459 Rice St. - St. Paul, Mn 55103

Office of Administrative Hearings - 310 So. 4th Ave. - 500 Flour Exchange Bldg. - Mpls. 5

Randy Olchiefse - 6520 E. River Road - Fridley, Mn. 55432

OTHERS (INTEROFFICE)

Cosmetology Unit - 500 Metro Square Bldg. - St. Paul, Mn. 55101

Minnesota Board of Nursing - 717 Delaware St. SE - Mpls., Mn. 55414

Editor - The Minn. Government Report - B-12 Press Room - State Capitol - St. Paul, Mn. 55

Post Board - Suite 495 Nalpak Bldg. - 333 Sibley - St. Paul, Mn. 55101

State University System - Finance - 407 Capitol Square Bldg. - 550 Cedar St. - St. Paul 55101

Commissioner - Dept. of Jobs & Training - 390 No. Robert - St. Paul, Mn. 55101

BOARD OF BARBER EXAMINER

STATE OF MINNESOTA

In the Matter of the Proposed Adoption of the Rules of the State Board of Barber Examiners Governing Barber Licensing.

AFFIDAVIT OF MAILING THE NOTICE OF INTENT TO ADOPT A RULE WITHOUT A PUBLIC HEARING AND CERTIFICATE OF MAILING LIST

STATE OF MINNESOTA)
) ss:
COUNTY OF RAMSEY)

Maureen Tibbetts, being sworn says:

I hereby certify that the list of persons and associations who have requested, pursuant to Minnesota Statutes, sections 14.14, subdivision 1a and 14.22 or 14.30, that their names be placed on the State Board of Barber Examiners rulemaking mailing list is accurate, complete and current as of September 19, 1988.

That on the 19th day of September, 1988, at the City of St. Paul, County of Ramsey, State of Minnesota, I mailed the attached Notice of Intent to Adopt a Rule Without a Public Hearing by depositing in the State of Minnesota, Central Mail System for United States mailing, a copy thereof, with postage prepaid to all persons and associations on the aforementioned mailing list.

Maureen Tibbetts
MAUREEN TIBBETTS
Executive Secretary
Board of Barber Examiners

Subscribed and sworn to before me
this 17th day of October, 1988.

Helen M. Boyer
Notary Public

HELEN M. BOYER
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
MY COMMISSION EXPIRES JULY 31, 1990

Proposed Rules

Pursuant to Minn. Stat. §§ 14.22, an agency may propose to adopt, amend, suspend or repeal rules without first holding a public hearing, as long as the agency determines that the rules will be noncontroversial in nature. The agency must first publish a notice of intent to adopt rules without a public hearing, together with the proposed rules, in the *State Register.* The notice must advise the public:

1. that they have 30 days in which to submit comment on the proposed rules;
2. that no public hearing will be held unless 25 or more persons make a written request for a hearing within the 30-day comment period;
3. of the manner in which persons shall request a hearing on the proposed rules; and
4. that the rule may be modified if the modifications are supported by the data and views submitted.

If, during the 30-day comment period, 25 or more persons submit to the agency a written request for a hearing of the proposed rules, the agency must proceed under the provisions of §§ 14.14-14.20, which state that if an agency decides to hold a public hearing, it must publish a notice of intent in the *State Register.*

Pursuant to Minn. Stat. §§ 14.29 and 14.30, agencies may propose emergency rules under certain circumstances. Proposed emergency rules are published in the *State Register* and, for at least 25 days thereafter, interested persons may submit data and views in writing to the proposing agency.

Board of Barber Examiners

Proposed Permanent Rules Relating to Barber Licensing

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Barber Examiners intends to adopt the above-entitled rules without a public hearing following the procedures set forth in the Administrative Procedure Act for adopting rules without a public hearing in *Minnesota Statutes,* sections 14.22 to 14.28. The statutory authority to adopt the rule is *Minnesota Statutes* 154.24.

All persons have 30 days in which to submit comment 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.

Any person may make a written request for a public hearing on the rule 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 public 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 agency will proceed pursuant to *Minnesota Statutes,* sections 14.131 to 14.20.

Comments or written requests for a public hearing must be submitted to:

Maureen Tibbetts
Board of Barber Examiners
5th Floor Metro Square Building
Seventh and Robert Streets
St. Paul, Minnesota 55101
612-296-2364

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule as noticed.

The rules proposed for adoption relate to the following matters: qualifications for apprentice examinations, qualifications for registered barber examinations, qualifications to temporary or emergency teacher permits, elimination of population and enrollment requirements for barber schools, elimination of toilet facilities in barber shops, addition of a dispensary requirement if hot and cold running water is not present at the working chair. A free copy of the rule is available upon request from the Board of Barber Examiners, 5th Floor Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101.

A Statement of Need and Reasonableness that describes the need for and reasonableness of each provision of the proposed rules and identifies the data and information relied upon to support the proposed rules have been prepared and is available from the Board of Barber Examiners, at the above address and telephone number, upon request.

If no hearing is required, upon adoption of the rules, the rules and the required supporting documents will be submitted to the Attorney General for review as to legality and form to the extent the form relates to legality. Any person may request notification of the date of submission of this material to the Attorney General, or who wish to receive a copy of the adopted rules, must submit the written request to the Board of Barber Examiners at the above address.

Dated: 1 August 1988

Maureen Tibbetts, Secretary
Board of Barber Examiners

Rules as Proposed

2100.0100 DEFINITIONS.

Subpart 1. **Scope.** ~~The following phrases contained in Minnesota Statutes, section 154.11 have the following meanings~~ For the purpose of parts 2100.0100 to 2100.9300, the terms defined in this part have the meanings given them.

Subp. 1a. **Barbering.** The practice of barbering as defined in Minnesota Statutes, section 154.02, means the services described in that section when performed on a living person and includes those services when performed in conjunction with the selling of hair pieces, wigs, or an artificial hair application.

Subp. 2. **A license or certificate of registration as practicing barber.** The phrase "a license or certificate of registration as practicing barber" contained in Minnesota Statutes, section 154.11, means a current certificate of registration as a certified barber ~~and not just as an apprentice~~.

Subp. 3. **Has practiced as a barber.** The phrase "has practiced as a barber" contained in Minnesota Statutes, section 154.11, means that a person has performed the acts of barbering under a certificate of registration as either a registered barber or a registered apprentice.

2100.0200 APPLICATION FOR EXAMINATION.

~~An applicant for examination as a registered apprentice shall file his application with the board not later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date~~ Upon completion of the required 1,500 hour course of training, the school shall issue each graduate a certificate of completion.

Upon issuance of the certificate of completion, the graduate is eligible to be scheduled for the apprentice examination under part 2100.0500.

In an emergency or in a situation beyond a student's control in which the 1,500 hours of training course cannot be completed before the apprentice examination schedule, the board may make an exception from the requirement of course completion if:

A. the course can be completed within the following week after the apprentice examination and before the registered barber examination; and

B. the student has less than 48 hours to complete after the examination schedule in part 2100.0500.

Results of examinations must not be issued until the certificate of completion is filed.

2100.0300 ~~FOREIGN APPLICANTS'~~ NONRESIDENT APPRENTICE QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for registration of an apprentice as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.06, clause (1); ~~and~~

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota ~~does~~; and

(2) ~~instructors to have the same qualifications as Minnesota Statutes, section 154.065, subdivision 2, except the examination referred to in Minnesota Statutes, section 154.065, subdivision 2, clause (e) shall be prescribed and conducted by the barber board of the state in which an instructor is teaching; and~~ a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300; and

~~(3)~~ C. ~~a curriculum that is equivalent to Minnesota Statutes, section 154.07 and rules of the board adopted pursuant thereto~~ must meet the requirements of Minnesota Statutes, section 154.11.

Applicants unable to comply with items A and B shall make up the difference in a Minnesota accredited barber school. Barbering experience may be considered equivalent to or substantially the same as hours in school training.

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.

2100.0500 EXAMINATION DATES.

Examinations for a certificate as a registered apprentice shall be held the first week in February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.0600 CONTENTS OF EXAMINATION.

Each examination ~~shall have~~ consists of six parts~~, consisting of four practical performances including a haircut, shave, and two other practical performances, an oral part, and a written part~~: oral, written, and four practical services. The type of haircut, shave, or beard trim and the two other practical services will be determined at the discretion of the board.

2100.0900 REVIEW OF EXAMINATION RESULTS.

An applicant~~, upon written request,~~ may review his or her examination results at the office of the Board of Barber Examiners during usual business hours.

2100.1000 FAILURE OF EXAMINATION; ADDITIONAL FEE.

~~An applicant for a certificate of registration to practice as an apprentice who is required to complete a further course of study of not less than 500 hours pursuant to Minnesota Statutes, section 154.06 shall not be required to pay an additional student permit fee; provided, however, that there is no interruption in his course of study~~ A student who fails the apprentice examination shall complete an additional 500 hours to be eligible to retake the apprentice examination, as many times as necessary to pass.

2100.1100 APPRENTICE PRACTICE.

The requirement of Minnesota Statutes, section 154.05, clause (4) regarding the practicing as a registered apprentice for a period of ~~15~~ 12 months shall mean licensure for not less than ~~450 days and not less than 2,500~~ 1,500 hours of work time.

2100.1200 ~~QUARTERLY~~ TIME REPORT.

The registered barber who supervises the practice of a registered apprentice ~~will~~ shall file ~~a quarterly report during the 15 month apprenticeship period. See quarterly report~~ an affidavit as to the number of hours the apprentice accumulated under the registered barber's supervision.

2100.1300 HOME STUDY COURSE.

The ~~15~~ 12 months practice of a registered apprentice ~~pursuant to~~ under Minnesota Statutes, section 154.05 shall include completion of the program entitled "Related Home Study Course for Apprentice Barbers" prepared or approved by the ~~Minnesota Department of Education, Vocational-Technical Education Division, and such~~ Board of Barber Examiners. The course must be ~~passed~~ successfully completed before the examination may be taken.

2100.1400 PRACTICE COMPLETION BEFORE BARBER EXAMINATION.

A registered apprentice meets the requirements of Minnesota Statutes, section 154.05, clause (4) if ~~he completes his 15 months practice~~ 1,500 hours and 12 months of practice are completed at any time ~~prior to~~ before or within the week in which the examination is given pursuant to Minnesota Statutes, section 154.05, clause (5).

2100.1500 REPORTING PRACTICE UNDER SUPERVISION.

A registered apprentice who practices under the immediate personal supervision of a registered barber must file ~~the following form with the board to receive credit for the practice. This form must be filed within 30 days after the registered apprentice begins his practice. See Form 1~~ with the annual license renewal, a statement of the number of hours completed and under whose supervision.

2100.2500 ~~NOTICE OF~~ EXAMINATION DATES.

Examinations for a certificate as a registered barber shall be held in the second week of February, May, August, and November of each year. Notice of the examination shall be given during the first week of the month preceding the month in which the examination is to be held. Two additional examinations may be held when the board determines it is cost efficient.

2100.2600 APPLICATION FOR EXAMINATION.

An applicant for examination as a registered barber shall file ~~his~~ an application for examination and a sworn affidavit of completing 12 months and 1,500 hours of supervision on forms furnished by the board. This application must be filed with the board ~~not~~ no later than the 20th day of the month preceding the month in which the examination is to be given; provided, however, that the board shall, upon the showing of a hardship, accept applications at a later date.

2100.2700 ~~FOREIGN~~ NONRESIDENT BARBERS; QUALIFICATIONS.

The board must find the following to determine that another state or country has substantially the same requirements for ~~licensing or registering barbers~~ registration of barbers as provided under Minnesota Statutes, chapter 154:

A. the same educational requirements as Minnesota Statutes, section 154.05, clause (1);

B. graduation from a barber school that requires:

(1) approval by a state requiring at least the same number of hours of instruction for school approval as Minnesota ~~does~~; and

(2) ~~an instructor to have the same qualifications as Minnesota Statutes, section 154.065, subdivision 2, except the examination referred to in Minnesota Statutes, section 154.065, subdivision 2, clause (e) shall be prescribed and conducted by the barber board of the state in which the instructor is teaching; and~~ a curriculum that is equivalent to Minnesota Statutes, section 154.07, and parts 2100.0100 to 2100.9300;

~~(3)~~ C. ~~a curriculum that is equivalent to Minnesota Statutes, section 154.07 and rules of the Minnesota Barber Board adopted pursuant thereto; and~~ must meet requirements for a registered apprentice in Minnesota Statutes, section 154.05, clause (4); and

~~C.~~ D. the same practice requirements for a registered apprentice as set forth in Minnesota Statutes, section 154.05, clause (4).

Applicants unable to comply with items A and B must make up the difference in a Minnesota accredited barber school. Barbering experience may be considered equivalent to or substantially the same as hours in school training.

2100.2900 CONTENTS OF EXAMINATION.

Each examination ~~shall have~~ consists of six parts~~, consisting of four practical performances including a haircut, shave, and two other practical performances, an oral part, and a written part.~~; oral, written, and four practical services. The type of haircut, shave or beard trim, and the two other practical services will be determined at the discretion of the board.

2100.3200 FAILURE OF EXAMINATION; ADDITIONAL APPRENTICE PRACTICE.

An ~~applicant~~ apprentice who fails to satisfactorily pass an examination for a certificate of registration to practice as a registered barber, must ~~file within 30 days after he begins his practice, Form IA with the board to extend his registration for six months and enable him to continue practice as an apprentice. (See Form IA.)~~ practice an additional two months and 300 hours to be eligible to retake the examination. The additional ~~six-month~~ two months practice required by Minnesota Statutes, section 154.05, clause (5) shall include not less than ~~1,040~~ 300 hours of work time. The registered barber who supervises the additional ~~six-month~~ two months practice ~~will~~ must file ~~quarterly reports~~ an affidavit with the board ~~during~~ for the additional practice period.

2100.4500 ~~ADDITIONAL TEACHER TRAINING~~ INSTRUCTOR LICENSE QUALIFICATION.

To qualify for an instructor's ~~vocational certificate in barbering, the applicant, other than temporary teacher, must satisfactorily complete the board's recommended course sequence.~~ examination, an applicant must be a licensed registered barber with five years' experience and hold a current vocational teacher's certificate.

~~A. course sequence must contain either:~~

~~(1) VO. ED. 5300, philosophy and practice of vocational education; or~~

~~(2) IND. 5325, philosophy and practice of industrial education;~~

~~B. and each of the following:~~

~~(1) IND. 5330, industrial course instruction;~~

~~(2) IND. 5301, tests in industrial subjects;~~

~~(3) IND. 5360, industrial instruction;~~

~~C. together with at least two of the following alternate choices:~~

~~(1) IND. 3900, independent study in barbering;~~

~~(2) IND. 5314, administration of industrial education;~~

~~(3) IND. 5303, industrial aids;~~

~~(4) IND. 5306, industrial education workshop;~~

~~(5) IND. 5600, instruction materials laboratory; or~~

~~D. any other course approved in writing by the board.~~

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.

2100.5000 LICENSE REQUIREMENT.

No person shall operate a barber school in Minnesota without having first obtained a license from the Board of Barber Examiners. Persons holding a permit for the conduct of a barber school which was issued prior to the adoption of these rules ~~shall~~ have a period of 60 days after the adoption of these rules to file the necessary documents showing conformance with these rules with the exception of the course outline required by part 2100.5100, subpart 2. After the date of adoption of these rules all barber schools operating or requesting a license to operate will be governed by and shall proceed in accordance with these rules.

2100.5100 LICENSE APPLICATION.

Subpart 1. **Verified statement.** A person desiring to operate a barber school in Minnesota shall present to the board a verified statement showing at least the following:

A. all information required by Minnesota Statutes, chapter 154 elsewhere in these rules;

B. the name of the applicant or applicants together with their occupations and residences for the ten years immediately prior to making applications;

C. the address of the proposed school;

D. a complete financial statement ~~showing all assets and liabilities of the applicant or applicants and their plan of financing~~; and

E. a plan of operation of the school setting forth the following information:

(1) drawings showing the number of chairs to be installed and showing a minimum of five feet between barber chairs, measuring from center to center, the waiting area must be separate from work stations;

(2) drawings showing classroom space with a minimum area of 25 square feet available for each proposed student in classroom space;

(3) a statement showing that the following will be available: one desk for each student enrolled; one chart on skin and hair; one chart on blood supply to face and neck; one chart on the muscles of the face, head, and neck; one chart on the nerves of the face, head, and neck; one chart on the bones of the face, head, and neck; and one blackboard of a size not less than six feet by 3-1/2 feet;

(4) plans showing the following: separate toilet and washroom facilities for men and women; plumbing and sewer system appropriate to the size and use of the building as a barber school; a statement regarding the availability and intended use of municipal sewer and water supplies;

(5) plans for appropriate lighting and ventilating systems;

(6) plans showing use of a type of floor material such as tile or linoleum which may be easily kept clean and sanitary;

(7) plans for proper sanitization facilities including the following: one sink for each barber chair or dispensary as required in part 2100.8100, subpart 3; one closed cabinet for clean towels for each barber chair; one closed container for soiled towels for each barber chair; one time clock; and one hair dryer; ~~two mechanical hand vibrators for each 15 chairs; and two stimulator machines for scalp manipulations for each 15 chairs;~~ and

(8) plans for adequate waiting chairs and clothes racks.

Subp. 2. **Course outline.** All barber schools shall submit to the board a full course outline including each instructional unit, showing a course of instruction comprising an aggregate of not less than 1,500 hours ~~to be completed within 12 months~~, of not more than eight work instruction hours in any one working day. A copy of each school's curriculum will be filed with the board. In the case of applicants for a license to operate a barber school submitted to the board after the adoption of these rules, the application will contain the foregoing statements. Barber schools in existence at the time of adoption of these rules shall have two months from the date of adoption for submission of the outline prescribed by this ~~rule~~ part. All schools shall submit a complete student course syllabus to the board at the time of application for license and any renewal ~~thereof~~ of it.

Subp. 3. **Brochure.** Applicants for a license to operate a barber school shall submit a copy of a brochure which will be made available to students upon approval of ~~their~~ the application. This brochure shall list the fees which will be charged; together with enrollment and termination procedures for students. Any change in the tuition fee listed in this brochure must be immediately reported, in writing, to the board.

2100.5200 CONSIDERATIONS IN LICENSE ISSUANCE.

Subpart 1. **Factors.** Upon receipt of an application for establishment of a barber school, the board shall give consideration to the factors in subparts 2 to 5.

Subp. 2. **Public welfare.** The board shall give consideration to any detriment to the public welfare and the need for barber school

facilities in the community and neighborhood where the proposed barber school is to be located, giving particular consideration to:

A. the economic character of the community and neighborhood;

B. the effect on existing barber shops and barber schools in the community;

C. the availability of adequate support for the proposed barber school in the community and neighborhood with particular regard to adequate practice for students;

D. the extent to which the proposed barber school would draw patrons from adjacent communities or neighborhoods and the character thereof; and

E. the effect of the establishment of a barber school on the social and economic aspects of the community and neighborhood and adjacent communities and neighborhoods in regard to the proposed site.

Subp. 3. and 4. [See repealer.]

Subp. 5. **Student-license ratio.** ~~"License" as used in this part contemplates an enrollment of 15 students per license issued~~ There must be at least one instructor for every 17 students enrolled.

2100.5400 CORPORATIONS PROHIBITED.

~~No license shall issue to a corporation~~ No school license shall be issued to a corporation, nor shall the school indicate any affiliation with a corporation.

2100.5600 RENEWAL OF LICENSE.

Subpart 1. **Application.** Owners of barber schools shall make annual application for renewal of their licenses in accordance with the rules of the board. The board shall make a new determination annually that the school meets the requirements of Minnesota Statutes, chapter 154, ~~as amended, and the rules and regulations~~ and part 2100.5100, subpart 2, of the board before ~~renewal of the license shall issue~~ issuing the renewal license.

Subp. 2. **Nonrenewal; hearing.** In the event that a license is not renewed by the board upon application pursuant to these rules, the aggrieved applicant may by written notice to the board request a public hearing concerning the denial of his or her application in accordance with Minnesota Statutes, chapter 14, and rules ~~promulgated~~ adopted thereunder.

2100.5700 REGISTERED INSTRUCTORS, TEMPORARY TEACHER, OR EMERGENCY TEACHER.

Subpart 1. **Number of registered instructors.** The provisions of Minnesota Statutes, section 154.07 requiring one registered instructor for every ~~15~~ 17 students or minor fraction in excess thereof applies to classroom instruction as well as practical instruction. "Minor fraction in excess thereof" means a maximum of 20 students per instructor for a period of no more than three months. An applicant shall name in ~~his~~ the application the names of all instructors and teachers. The board will not issue a temporary ~~instructor's certificate~~ teacher's permit for a new school. To assure barber school students adequate uninterrupted training, a temporary teacher's permit can be issued upon approval of the board.

Subp. 2. **Temporary permits.** This subpart applies to temporary teacher's permits.

A. To be granted a temporary teacher's permit, a permit applicant must:

(1) hold a current Minnesota registered barber's license;

(2) have practiced for at least two years as a registered barber; and

(3) show proof of a temporary vocational teaching permit and continuous enrollment taking courses as required by part 2100.4500.

B. Application forms will be prepared and furnished by the board. Applications must be signed and sworn to by the applicant and contain proof of the minimum qualifications and qualifications for a teacher's vocational certificate and the barber instructor examination. The applicant shall furnish to the board two photographs, three inches by five inches in size, signed by the applicant. One photograph must be returned with the permit and one must be kept on file with the application.

C. The applicant shall pay the required application fee.

D. Permits must be annually renewed on or before December 31 of each year.

E. The permit must be posted in the school.

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.

F. A barber school may only have a temporary teacher for each licensed instructor or for each 17 students at any given time.

G. Persons holding a temporary teacher's permit shall immediately inform the board of any change in location of the teacher's work place.

H. The board will not issue a temporary teacher's permit for a new school or for expansion of a school.

I. A temporary teacher's permit is valid for four years from the date it is issued if continued educational courses are being pursued.

J. Any request for a temporary teacher's permit must be made by the applicant and verified by the school of barbering.

K. The Board of Barber Examiners shall keep an active list of all instructors and temporary teacher's permits.

L. All temporary teacher permit holders shall notify the board of any change in the permitee's work place, address, or phone number.

Subp. 3. **Emergency teacher permit.**

A. To assure barber school students adequate uninterrupted training, an emergency teacher permit may be issued in an emergency if:

(1) a sudden unexpected happening of an unforeseen occurrence or condition demanding sudden or unexpected actions, exigency, or pressing necessity occurs;

(2) the board is notified by the school immediately after an emergency arises and is informed as to the nature of the emergency and who is being considered as the emergency teacher;

(3) the board verifies that no licensed instructor or temporary teacher is available; and

(4) an applicant holds a current registered barber license.

B. Upon the fulfillment of the conditions provided in item A, an emergency teacher's permit shall be issued without delay. The maximum duration of an emergency teacher permit is 30 days.

2100.6000 HOURS OF INSTRUCTION.

~~The course of instruction required by Minnesota Statutes, section 154.07 shall include a training day including both classroom and practical instruction. Practical instruction shall not be given for more than 6 1/2 hours per day. Classroom instruction shall be given for 1 1/2 hours each day for each eight hour day and one hour for each 6 1/2 hour day.~~ Each student, including each part-time student, must complete at least 281 classroom hours and 1,219 practical hours in the required 1,500-hour course.

2100.6100 STUDENT WORK COMPLETION.

~~A barber school student must complete all services given to the patron of a barber school. Under no circumstances will the barber school owner or instructor finish the services on patrons~~ An instructor may help a beginning student finish a service on a patron upon request by the student.

2100.7700 OTHER USE OF PREMISES.

Subpart 1. **Prohibited uses.** No person shall use any room or part of a place which is also used for residential purposes, or any business purpose other than barbering, unless ~~such~~ the areas are separated by substantial partition, extending from the floor to the ceiling. Further, any door or other entrance leading into the residential or other business portion of the building must be used only for the passage of barbers or other employees.

Subp. 2. **Exception: barber shop with beauty shop.** Subpart 1 notwithstanding, a beauty shop and a barber shop may be operated in conjunction, without ~~the same~~ being separated by a partition of ceiling height. ~~When a barber shop is operated in conjunction with a beauty shop, the barber shop area must be designated as such by a prominently displayed sign stating "Barber Shop" with letters at least two inches high.~~

2100.8100 SANITIZATION.

Subpart 1. **Instruments.** Razors, shears, combs, clipper blades, hairbrush, and all other instruments or appliances that come in contact with the head, neck, or face must be thoroughly cleaned and sanitized by submersion for a minimum of two minutes after use on each patron. As an alternative to submersion, clipper blades and shears may be treated by spraying them with a commercial spray containing active ingredients not less than 0.25 percent o-phenyl phenol, 11.00 percent isopropyl alcohol, and 88.75 percent inert ingredients. As an extra measure, instruments may be wiped or sprayed with a solution of 10:1 household bleach before being used. When not in use, they must be kept in a clean closed compartment provided for and used only for storage of ~~such equipment~~ instruments. Styptic pencil and lump alum are positively prohibited. Contact with raw blood or body fluids should be avoided. If accidentally exposed, immediate washing with soap and running water is required.

Subp. 2. **Sanitizer.** All barber shops and barber schools shall have in use at all times at each chair a wet or dip sanitizer which is adequate in size to accommodate all instruments to be used on each patron. The wet sanitizer shall contain a suitable chemical bactericide solution which shall be bacteriologically effective, such as 0.1 percent suitable quaternary ammonium compound, or by other means having a solution equivalent to five percent phenol, or other chemical sanitizing agent having equivalent bactericidal effect. The chemical solution shall be changed daily or more often, as needed.

One dip disinfectant solution container will be kept for each barber chair in operation. Instruments immersed in the dip disinfectant solution container will be carefully rinsed in warm running water before use. Failure to provide a sink or dip disinfectant solution container constitutes prima facie evidence that instruments are not properly sanitized.

At least one sink or lavatory must be provided in each room, booth, stall, compartment, or the immediate area in which barbers work. If more than two barber chairs are in any room, booth, stall, or compartment, at least one sink or lavatory must be provided for each two barber chairs at which the barbers work. Each barber must have free access to the sink or lavatory without obstruction from other chairs, partitions, wall dividers, or other barriers.

Subp. 3. **Dispensary.** A dispensary must be located in each barber shop and each barber school where hot and cold running water is not present within five feet of the working chair. A dispensary is a room, booth, or area where implements will be cleansed, disinfected, and stored. A dispensary must contain the following furnishings:

A. A container large enough to accommodate all soiled implements in which those instruments, such as combs and brushes, can be totally immersed for washing. All nonimmersive or electrical implements such as clippers, clipper blades, and shears must be sprayed according to subpart 1.

B. One sink with hot and cold running water to cleanse implements mentioned in item A to be used for washing of hands before serving each patron.

C. A container with suitable chemical bactericide solution to accommodate and immerse all immersible implements after being washed for at least two minutes before being used or stored.

D. A container large enough for storage of clean disinfected implements.

E. A container filled with fresh disinfectant solution in which razors will be stored or dipped at least two minutes before being used.

Subp. 4. **Hand washing.** Hands shall be washed with soap and running water immediately before serving each and every patron.

Subp. 5. **Implement storage.** Implements that require washing and disinfecting by total immersion must not be stored at the work station unless running water is present at the working chair.

Subp. 6. **Shampoo sinks.** The shampoo area shall have one shampoo sink for each six chairs.

Subp. 7. **Minimum implements.** Each barber shall have at least 15 combs and ten brushes.

2100.9300 FEES.

Subpart 1. **Fee schedule.** The Board of Barber Examiners shall charge the following fees:

A. examination and certificate, registered barber, $55;

B. examination and certificate, apprentice, $50;

C. examination, instructor, $150;

D. certificate, instructor, $35;

E. temporary teacher permit, $25;

~~E.~~ F. renewal of license, registered barber, $25;

~~F.~~ G. renewal of license, apprentice, $20;

~~G.~~ H. renewal of license, instructor, $35;

I. renewal of temporary teacher permit, $25;

~~H.~~ J. student permit, $10;

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.

~~I.~~ K. initial shop registration, $50;

~~J.~~ L. initial school registration, $1,000;

~~K.~~ M. renewal shop registration, $35;

~~L.~~ N. renewal school registration, $200;

~~M.~~ O. restoration of registered barber license, $50;

~~N.~~ P. restoration of apprentice license, $45;

~~O.~~ Q. restoration of shop registration, $60;

~~P.~~ R. change of ownership or location, $25; and

~~Q.~~ S. duplicate license, $10.

Subp. 2. **Duplicate license.** Any photocopy of a license made by the board for an official purpose shall be stamped with the office state seal.

Subp. 3. **Restoration fee.** A restoration fee is a fee charged a licensee to restore a license that has not been renewed in a timely manner. The fee is comprised of the license fee plus a late penalty fee.

Subp. 4. **Renewals; schedule.** This subpart governs renewals of licenses and registrations.

A. Apprentices, barbers, instructors, temporary teacher permits, and school licenses shall renew their licenses by no later than December 31 of each year for the ensuing year to avoid a late penalty fee.

B. Shop registration shall be renewed by no later than June 30 of each year for the ensuing year to avoid a late penalty fee.

C. Change of location and change of ownership shall be filed within 30 days of the action.

Subp. 5. **License requirements.** An active barber must hold a current license and must post it at the work station.

REPEALER. Minnesota Rules, parts 2100.0400; 2100.1600; 2100.2800; 2100.4300; 2100.4400; 2100.5200, subparts 3 and 4; 2100.6500; 2100.7200; 2100.7300; 2100.7400; 2100.7500; and 2100.8300 are repealed.

Board of Electricity

Proposed Permanent Rules Relating to Supervision of Unlicensed Personnel

Notice of Intent to Adopt Rules Without a Public Hearing

NOTICE IS HEREBY GIVEN that the State Board of Electricity ("board") proposes to adopt the above-entitled rule without a public hearing. The Board has determined that the proposed adoption of this rule will be noncontroversial in nature and has elected to follow the procedures set forth in *Minnesota Statutes* § 14.22 to 142.8. Authority for the adopting of this rule is contained in *Minnesota Statutes* § 326.241, subd. 6. Additionally, a statement of need and reasonableness that describes the need for and identifies the data and information relied upon to support the proposed rule, has been prepared and is available from Mr. Quinn upon request.

All persons have 30 days in which to submit comment 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.

Any person may make a written request for a public hearing on the rule 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 withdrew their requests in writing. Any person requesting a public 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 agency will proceed pursuant to *Minnesota Statutes*, sections 14.13 to 14.20. If no hearing is requested, the agency will adopt the proposed rule effective five working days after final publication in the *State Register.*

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

Mr. John Quinn
Executive Secretary
State Board of Electricity
S-173, Griggs-Midway Building
1821 University Avenue
St. Paul, Minnesota 55104
Telephone: 612/642-0800

The proposed rule may be modified if the modifications are supported by data and views submitted to the agency and do not result in a substantial change in the proposed rule noticed.

A copy of the proposed rule is attached to this notice. Additional copies may be obtained by contacting Mr. Quinn.

STATE OF MINNESOTA

BOARD OF BARBER EXAMINERS

In the Matter of the Proposed Adoption of the Rules of the State Board of Barber Examiners Governing Barber Licensing.

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

Notice of the Board's intent to adopt the above-entitled rules was published in the State Register on September 19, 1988 and was sent by United States mail to all persons on the list maintained by the agency pursuant to Minnesota Statutes, sections 14.14, subd. 1a and 14.22 on September 19, 1988. The statement of need and reasonableness was prepared before the notice of intent to adopt a 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. No requests for a public hearing on the rule were received by the agency.

No submissions or comments on the rule were received by the agency. No requests for notice of submission to the attorney general were received by the agency.

Based on the evidence in the record before the agency, the Board finds that the above-captioned rules are needed and reasonable.

NOW, THEREFORE, IT IS ORDERED that the rules identified as Minn. Rules 2100.0100 thru 2100.9300 be modified as adopted this 31st day of October, 1988, pursuant to authority vested in the Board by Minn. Stat. §§ 154.24 and 214.06 (1986).

Kenneth E Kirkpatrick

KENNETH KIRKPATRICK, CHAIRMAN
Board of Barber Examiners

STATE OF MINNESOTA

BOARD OF BARBER EXAMINERS

In the Matter of the Adoption of the Rules of the State Board of Barber Examiners Governing Barber Licensing

DECLARATION OF COUNSEL

I, Peggy J. Birk, 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 0126.

Dated: November 1, 1988

Peggy J. Birk

PEGGY J. BIRK
Special Assistant
Attorney General

STATE OF MINNESOTA

BOARD OF BARBER EXAMINERS

In the Matter of the Proposed Adoption of Rules of the State Board of Barber Examiners Governing Barber Licensing.

ORDER FOR NOTICE OF INTENT TO ADOPT RULES WITHOUT A PUBLIC HEARING

IT IS ORDERED THIS 19th day of September, 19 88, that a Notice of Intent to Adopt Rules Without a Public Hearing in the above-entitled matter be given to all persons who have registered their names with the Board of Barber Examiners for that purpose and be published in the State Register.

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF BARBER EXAMINERS

Maureen Tibbetts

MAUREEN TIBBETTS
Executive Secretary
Board of Barber Examiners