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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 343

01/28/2021 Authored by Masin
The bill was read for the first time and referred to the Committee on Health Finance and Policy

1.1 A bill for an act
1.2 relating to cosmetology; modifying salon licensure requirements and continuing
1.3 education requirements; amending Minnesota Statutes 2020, sections 155A.23,
1.4 subdivision 9, by adding subdivisions; 155A.271; 155A.29, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2020, section 155A.23, subdivision 9, is amended to read:

1.7 Subd. 9. Salon. A "salon" is an area, room, or rooms employed to offer that functions
1.8 in offering and providing personal services, as defined in subdivision 3 by practitioners.
1.9 "Salon" Salon does not include the home of a customer, but the board may adopt health and
1.10 infection control rules governing practice in the homes of customers.

1.11 Sec. 2. Minnesota Statutes 2020, section 155A.23, is amended by adding a subdivision to
1.12 read:

1.13 Subd. 9a. Salon franchisor. A salon franchisor is a company that grants rights to a third
1.14 party to conduct business as a salon under the franchisor's marks. A salon franchisor owns
1.15 the overall rights and trademarks of the company and allows its franchisees to use these
1.16 rights and trademarks to do business.

1.17 Sec. 3. Minnesota Statutes 2020, section 155A.23, is amended by adding a subdivision to
1.18 read:

1.19 Subd. 21. Professional association. A professional association is a member-based
1.20 nonprofit corporation organized under chapter 317A that brings together individuals with
1.21 a common interest in cosmetology.

2.1 Sec. 4. Minnesota Statutes 2020, section 155A.271, is amended to read:

2.2 **155A.271 CONTINUING EDUCATION REQUIREMENTS.**

2.3 Subdivision 1. **Continuing education requirements.** (a) To qualify for license renewal
 2.4 under this chapter as an individual cosmetologist, nail technician, esthetician, advanced
 2.5 practice esthetician, eyelash technician, or salon manager, the applicant must complete four
 2.6 hours of continuing education credits from a board-approved continuing education provider
 2.7 during the three years prior to the applicant's renewal date. One credit hour of the requirement
 2.8 must include instruction pertaining to state laws and rules governing the practice of
 2.9 cosmetology. Three credit hours must include instruction pertaining to health, safety, and
 2.10 infection control matters consistent with the United States Department of Labor's
 2.11 Occupational Safety and Health Administration standards applicable to the practice of
 2.12 cosmetology, or other applicable federal health, infection control, and safety standards, and
 2.13 must be regularly updated so as to incorporate newly developed standards and accepted
 2.14 professional best practices. Any class offered under this paragraph must also offer information
 2.15 regarding resources available to individuals affected by domestic abuse and violence. Credit
 2.16 hours earned are valid for three years and may be applied simultaneously to all individual
 2.17 licenses held by a licensee under this chapter.

2.18 (b) ~~Effective August 1, 2017,~~ In addition to the hours of continuing education credits
 2.19 required under paragraph (a), to qualify for license renewal under this chapter as an individual
 2.20 cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager,
 2.21 the applicant must also complete a four credit hour continuing education course from a
 2.22 board-approved continuing education provider based on any of the following within the
 2.23 licensee's scope of practice:

- 2.24 (1) product chemistry and chemical interaction;
- 2.25 (2) proper use and maintenance of machines and instruments;
- 2.26 (3) business management, professional ethics, and human relations; or
- 2.27 (4) techniques relevant to the type of license held.

2.28 Credits are valid for three years and must be completed with a board-approved provider of
 2.29 continuing education during the three years prior to the applicant's renewal date and may
 2.30 be applied simultaneously to other individual licenses held as applicable, except that credits
 2.31 completed under this paragraph must not duplicate credits completed under paragraph (a).

2.32 (c) Paragraphs (a) and (b) do not apply to an instructor license, a school manager license,
 2.33 or an inactive license.

3.1 ~~Subd. 1a. **Product sales or marketing prohibited.** The marketing or sale of any product~~
 3.2 ~~is prohibited during a continuing education class receiving credit under subdivision 1.~~

3.3 Subd. 2. **Continuing education providers.** (a) Only a board-licensed school of
 3.4 cosmetology, a postsecondary institution as defined in section 136A.103, paragraph (a), or
 3.5 a board-recognized professional association ~~organized under chapter 317A~~ that is domiciled
 3.6 in the state of Minnesota may be approved by the board to offer continuing education
 3.7 instruction for credit under subdivision 1, paragraph (a). Continuing education under
 3.8 subdivision 1, paragraph (b), may be offered upon approval by a:

3.9 (1) board-licensed school of cosmetology;

3.10 (2) board-recognized professional association ~~organized under chapter 317A; or~~ that is
 3.11 domiciled in the state of Minnesota;

3.12 (3) board-licensed salon; or

3.13 (4) board-recognized salon franchisor that is domiciled in the state of Minnesota for
 3.14 their employees and franchisee employees.

3.15 ~~An approved~~ Only a board-recognized school ~~or~~, board-recognized professional
 3.16 association, or board-recognized salon franchisor that has been approved as a provider may
 3.17 offer web-based continuing education instruction to achieve maximum involvement of
 3.18 licensees. The board shall have unrestricted access to view any class offering that is
 3.19 web-based. Continuing education providers are encouraged to offer classes available in
 3.20 foreign language formats.

3.21 (b) Board approval of any continuing education provider is valid for one calendar year
 3.22 and is contingent upon submission and preapproval of the lesson plan or plans ~~with that~~
 3.23 outline learning objectives for the class to be offered and the payment of the application fee
 3.24 in section 155A.25, subdivision 1a, paragraph (d), clause (10). The board shall maintain a
 3.25 list of approved providers and courses on the board's website. The board may revoke
 3.26 authorization of a continuing education provider at any time for just cause for failings under
 3.27 this section and the board ~~may~~ must demand ~~return~~ the immediate surrender of documents
 3.28 required of the provider under subdivision 3 if authorization is revoked.

3.29 (c) A provider who ceases offering continuing education instruction must comply with
 3.30 subdivision 3.

3.31 (d) The promoting or sale of any cosmetology-related product is prohibited during a
 3.32 continuing education class receiving credit under subdivisions 1 and 2, although specific
 3.33 products may be used in conjunction with demonstration purposes only.

4.1 Subd. 3. **Proof of credits.** (a) The continuing education provider shall provide to licensees
 4.2 with documentation establishing completion of the class. Licensees shall retain proof of
 4.3 their continuing education credits for one year beyond the credit's expiration. The continuing
 4.4 education provider shall retain documentation of all licensees completing a class and the
 4.5 licensee's credit hours awarded by them for five years.

4.6 (b) If a provider ceases to offer continuing education instruction, the record retention
 4.7 requirement in this subdivision must be maintained by the provider or by a custodian at the
 4.8 provider's cost. The custodian must be an existing continuing education provider and
 4.9 registered with the board on the provider's behalf for audit purposes.

4.10 Subd. 4. **Audit.** The board ~~shall~~ must conduct random audits of active licensees and
 4.11 continuing education providers to ensure compliance with the requirements of this section.
 4.12 To initiate an audit of an active licensee, the board ~~shall~~ must notify ~~an active licensee~~ the
 4.13 individual of the audit and request proof of credits earned during a specified period. The
 4.14 licensee must provide the requested proof to the board within 30 days of an audit notice.
 4.15 The board ~~may~~ must request that ~~a~~ the continuing education provider, or its custodian of
 4.16 records, verify a licensee's credits. The provider, or its custodian of records, must furnish
 4.17 verification, or a written statement that the credits are not verified, within 15 days of the
 4.18 board's request for verification. If the board determines that a licensee has failed to provide
 4.19 proof of necessary credits earned during the specified time, the board may revoke the
 4.20 individual's license and may deem the individual an expired practitioner subject to penalty
 4.21 under section 155A.25 or 155A.36. The board staff ~~shall~~ must have unrestricted free access
 4.22 to any provider's class offerings to verify adherence to the provider's approved lesson plan
 4.23 and overall compliance with this chapter.

4.24 Sec. 5. Minnesota Statutes 2020, section 155A.29, subdivision 1, is amended to read:

4.25 Subdivision 1. **Licensing.** A person must not offer or provide regulated cosmetology
 4.26 services for compensation unless the services are provided by a licensee in a licensed salon
 4.27 or as otherwise provided in this section. Each salon must be licensed as a cosmetology salon,
 4.28 a nail salon, esthetician salon, advanced practice esthetician salon, or eyelash extension
 4.29 salon. A salon may hold more than one type of salon license.