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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. **2389**

03/08/2016 Authored by Franson

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/23/2016 Adoption of Report: Amended and re-referred to the Committee on State Government Finance

03/24/2016 By motion, recalled and re-referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act  
1.2 relating to cosmetology; regulating eyelash extension services; providing  
1.3 grandfathered licenses; modifying continuing education requirements;  
1.4 authorizing rulemaking; appropriating money; amending Minnesota Statutes  
1.5 2014, section 155A.23, by adding subdivisions; Minnesota Statutes 2015  
1.6 Supplement, sections 155A.23, subdivisions 8, 18; 155A.27, subdivision 1;  
1.7 155A.271; 155A.29, subdivision 1; proposing coding for new law in Minnesota  
1.8 Statutes, chapter 155A.

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

1.10 Section 1. Minnesota Statutes 2014, section 155A.23, is amended by adding a  
1.11 subdivision to read:

1.12 Subd. 4a. **Eyelash extensions.** "Eyelash extensions" means the application,  
1.13 removal, and trimming of threadlike natural or synthetic fibers to an eyelash, and includes  
1.14 the cleansing of the eye area and lashes. Eyelash extensions do not include color agents,  
1.15 straightening agents, permanent wave solutions, bleaching agents, applications to the  
1.16 eyebrow, or any other cosmetology service.

1.17 Sec. 2. Minnesota Statutes 2014, section 155A.23, is amended by adding a subdivision  
1.18 to read:

1.19 Subd. 4b. **Eyelash technician.** An "eyelash technician" is any person who is not  
1.20 a cosmetologist, esthetician, or advanced practice esthetician who, for compensation,  
1.21 performs the personal services limited to eyelash extensions as defined in subdivision 4a  
1.22 only.

1.23 Sec. 3. Minnesota Statutes 2015 Supplement, section 155A.23, subdivision 8, is  
1.24 amended to read:

2.1 Subd. 8. **Manager.** A "manager" is any person who is a cosmetologist, esthetician,  
2.2 advanced practice esthetician, ~~or~~ nail technician practitioner, or eyelash technician  
2.3 practitioner, and who has a manager license and provides any services under that license,  
2.4 as defined in subdivision 3.

2.5 Sec. 4. Minnesota Statutes 2015 Supplement, section 155A.23, subdivision 18, is  
2.6 amended to read:

2.7 Subd. 18. **Practitioner.** A "practitioner" is any person licensed in the practice of  
2.8 cosmetology, esthiology, ~~or~~ nail technology services, or eyelash technology services.

2.9 Sec. 5. Minnesota Statutes 2015 Supplement, section 155A.27, subdivision 1, is  
2.10 amended to read:

2.11 Subdivision 1. **Licensing.** A person must hold an individual license to practice in  
2.12 the state as a cosmetologist, esthetician, nail technician, eyelash technician, advanced  
2.13 practice esthetician, manager, or instructor.

2.14 Sec. 6. Minnesota Statutes 2015 Supplement, section 155A.271, is amended to read:

2.15 **155A.271 CONTINUING EDUCATION REQUIREMENTS.**

2.16 Subdivision 1. **Continuing education requirements.** (a) ~~Effective August 1,~~  
2.17 ~~2014,~~ To qualify for license renewal under this chapter as an individual cosmetologist,  
2.18 nail technician, esthetician, advanced practice esthetician, eyelash technician, or salon  
2.19 manager, the applicant must ~~attest to the completion of~~ complete four hours of continuing  
2.20 education credits from ~~an accredited school or a professional association of cosmetology~~  
2.21 a board-approved continuing education provider during the three years prior to the  
2.22 applicant's renewal date. One credit hour of the requirement must include instruction  
2.23 pertaining to state laws and rules governing the practice of cosmetology. Three credit  
2.24 hours must include instruction pertaining to health, safety, and infection control matters  
2.25 consistent with the United States Department of Labor's Occupational Safety and Health  
2.26 Administration standards applicable to the practice of cosmetology, or other applicable  
2.27 federal health, infection control, and safety standards, and must be regularly updated so as  
2.28 to incorporate newly developed standards and accepted professional best practices. Credit  
2.29 hours earned are valid for three years and may be applied simultaneously to all individual  
2.30 licenses held by a licensee under this chapter.

2.31 (b) Effective August 1, 2017, in addition to the hours of continuing education credits  
2.32 required under paragraph (a), to qualify for license renewal under this chapter as an  
2.33 individual cosmetologist, nail technician, esthetician, advanced practice esthetician, or

3.1 salon manager, the applicant must also ~~attest to the completion of one four-hour~~ complete a  
3.2 four credit hour continuing education course from a board-approved continuing education  
3.3 provider based on any ~~or all~~ of the following within the licensee's scope of practice:

- 3.4 (1) product chemistry and ~~chemistry~~ chemical interaction;
- 3.5 (2) proper use and maintenance of machines and instruments;
- 3.6 (3) business management, professional ethics, and human relations; or
- 3.7 (4) techniques relevant to the type of license held.

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

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

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

3.17 Subd. 2. **Continuing education providers.** (a) Only a board-licensed school of  
3.18 cosmetology, a postsecondary institution as defined in section 136A.103, paragraph  
3.19 (a), or a board-recognized professional association organized under chapter 317A may  
3.20 be approved by the board to offer continuing education curriculum for credit under  
3.21 subdivision 1, paragraph (a). Continuing education ~~curriculum~~ under subdivision 1,  
3.22 paragraph (b), may be offered by a:

- 3.23 (1) board-licensed school of cosmetology;
- 3.24 (2) board-recognized professional association organized under chapter 317A; or
- 3.25 (3) board-licensed salon.

3.26 ~~The~~ An approved school and/or professional association may offer ~~online and~~  
3.27 ~~independent study options~~ Web-based continuing education instruction to achieve  
3.28 maximum involvement of licensees. Continuing education providers are encouraged to  
3.29 offer classes available in foreign language formats.

3.30 (b) Board ~~authorization~~ approval of a any continuing education provider ~~under~~  
3.31 ~~paragraph (a)~~ is valid for one calendar year and is contingent upon submission and  
3.32 preapproval of the lesson plan or plans with learning objectives for the class to be offered  
3.33 and the payment of the application fee in section 155A.25, subdivision 1a, paragraph (d),  
3.34 clause (11). The board shall maintain a list of approved providers and courses on the  
3.35 board's Web site. The board may revoke authorization of a continuing education provider

4.1 at any time for just cause and the board may demand return of documents required under  
4.2 subdivision 3.

4.3 Subd. 3. **Proof of credits.** The continuing education provider shall provide to  
4.4 licensees ~~who attend a class a receipt to prove~~ documentation establishing completion  
4.5 of the class. Licensees shall retain proof of their continuing education credits for one  
4.6 year beyond the credit's expiration. The continuing education provider shall retain  
4.7 documentation of all licensees ~~sueessfully~~ completing a class and the licensee's credit  
4.8 hours awarded by them for five years.

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

4.23 Sec. 7. **[155A.273] EYELASH TECHNICIAN GRANDFATHERING.**

4.24 The board must issue grandfathered eyelash technician licenses between June 30,  
4.25 2017, and September 30, 2017. To be considered for grandfathering, a person must meet  
4.26 the requirements in this section. All applications for grandfathering eyelash technician  
4.27 licenses must be received in the board office between October 15, 2016, and April 15,  
4.28 2017, and must contain:

4.29 (1) a complete grandfathering application;

4.30 (2) documentation of at least 2,700 hours of experience in eyelash extensions within  
4.31 the last five years;

4.32 (3) proof of a high school diploma or equivalent;

4.33 (4) proof of eyelash extension training before August 1, 2016;

5.1 (5) original passing results no more than one year old of board-approved laws and  
5.2 rules tests and theory tests, as well as a salon manager test if applying for a salon manager  
5.3 license;

5.4 (6) proof of a six-hour board-approved public health and safety course. Four hours  
5.5 must be related to infection control and two hours related to Minnesota laws and rules; and

5.6 (7) the practitioner fees required under section 155A.25.

5.7 Sec. 8. Minnesota Statutes 2015 Supplement, section 155A.29, subdivision 1, is  
5.8 amended to read:

5.9 Subdivision 1. **Licensing.** A person must not offer cosmetology services for  
5.10 compensation unless the services are provided by a licensee in a licensed salon or as  
5.11 otherwise provided in this section. Each salon must be licensed as a cosmetology salon, a  
5.12 nail salon, esthetician salon, ~~or~~ advanced practice esthetician salon, or eyelash extension  
5.13 salon. A salon may hold more than one type of salon license.

5.14 Sec. 9. **RULEMAKING.**

5.15 The Board of Cosmetologist Examiners shall adopt rules governing the eyelash  
5.16 technician license, including educational and training requirements, scope of practice, and  
5.17 the conditions and process of issuing and renewing the license. The educational and  
5.18 training requirements must not exceed eight hours. The board may use the expedited rule  
5.19 process in Minnesota Statutes, section 14.389.

5.20 **EFFECTIVE DATE.** This section is effective the day following final enactment.

5.21 Sec. 10. **APPROPRIATION.**

5.22 \$..... in fiscal year 2017 is appropriated from the general fund to the Board of  
5.23 Cosmetologist Examiners for the purposes of eyelash extension licensing requirements  
5.24 in Minnesota Statutes, chapter 155A, and related rulemaking. This amount is added to  
5.25 the board's base budget.