

Model Salon Inspection Act

November 15, 2024

BE IT ENACTED BY THE LEGISLATURE OF THIS STATE:

Section 1. LICENSING BARBERSHOPS AND COSMETOLOGY SALONS.

Subdivision 1. **Definitions.** The terms defined in this section apply to the chapter.

Subd. 2. “**Agency responsible for inspections**” means the government agency responsible for licensing and inspecting barbering and cosmetology salons.¹ In this State, the agency responsible for inspections is _____.

Subd. 3. “**Barbering**” means any one or any combination of the following practices when done for compensation upon the head, face, and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments: to shave the face or neck; to trim the beard; cut, color, or singe the hair of any person; to give facials with oils, creams, lotions, or other preparations, either by hand or mechanical appliances; or to apply cosmetic preparations, antiseptics, oils, clays, or lotions to the face or neck. Barbering does not include hair braiding, hairstyling, or threading.

Subd. 4. “**Cosmetology**” means providing personal cosmetic care of the hair, nails, and skin for compensation. Cosmetology services include cutting, coloring, and chemically treating the hair or enhancing the body surface of the head, scalp, face, arms, hands, legs, feet, and trunk of the body for compensation. Cosmetology does not include hair braiding, hairstyling, or threading.

Subd. 5. “**Hair braiding**” means the practice of braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving, or wrapping human hair, natural fibers, synthetic fibers, or hair extensions into a variety of shapes, patterns, and textures by hand or by using simple braiding devices for compensation. Hair braiding also includes the use of topical agents, such as conditioners, gels, moisturizers, oils, pomades, and shampoos. Hair braiding does not include the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents.

Subd. 6. “**Hairstyling**” means the practice of cleaning, drying, arranging, or styling hair, hair extensions, and wigs for compensation. It includes the use of hair sprays and topical agents, such as shampoos and conditioners. It also includes the use of hair extensions and wigs. It does not include cutting or the application of dyes, bleach, reactive chemicals, keratin, or other preparations to color or alter the structure of hair.

Subd. 7. “**Threading**” means the practice of removing hair from the eyebrows, upper lip, or other body parts by using cotton thread to pull hair from follicles for compensation. Threading does not include the use of chemicals or any type of wax. Threading may include the use of (1) over-the-counter astringents, gels, and powders; and (2) tweezers and scissors incidental to threading.

¹ The agency may be part of the Department of Health; another statewide department, agency, or board; or a county or municipality.

Subd. 8. "**Salon**" means an area, room, or establishment used to offer barbering or cosmetology services. It includes a mobile salon or a salon in the home of the provider. A salon does not include the home of a customer.

Subd. 9. "**Mobile salon**" means a readily moveable establishment used to offer barbering or cosmetology services. A mobile salon does not include the home of a customer.

Section 2. AUTHORITY TO LICENSE.

Subdivision 1. **License requirement.** A salon may not offer barbering or cosmetology services unless:

1. It holds a valid salon license from the agency responsible for inspections; or
2. The State delegates the authority to license and inspect salons to counties or municipalities, and the county or municipality enacts a resolution to not require a facility license for salons.

Subd. 2. **Salon license.** The agency responsible for inspections shall grant a salon license if a salon meets the requirements set forth in Section 3, pays all reasonable fees, and follows all administrative rules and local ordinances.

Subd. 3. **Notice to consumers.** The salon shall post its facility license and make available contact information for the agency responsible for inspections for purposes of consumer complaints.

Subd. 4. **Supplemental regulations.** An agency responsible for inspections may adopt administrative rules or ordinances consistent with this statute related to issuing salon licenses and inspecting salons.

Subd. 5. **Fees.** An agency responsible for inspections may impose reasonable fees for a license and for an inspection to cover the costs that the agency incurs in administering salon licensing and inspections.

Subd. 6. **Penalties.** A regulation may provide for penalties for failure to obtain or maintain a salon license, or for failure to pass an inspection. A penalty must not exceed \$3,000 per failed inspection.

Subd. 7. **Prohibition on licensing barbers or cosmetologists.** An agency responsible for inspections or another governmental body in this state may not require a person who works in a salon to have a current occupational license or other credential reflecting qualifications based on education, training, or other personal qualifications.

Section 3. INSPECTIONS.

Subdivision 1. **Inspections.** An agency responsible for inspections may inspect salons licensed, as provided in this section. An inspector shall give the salon owner or designee reasonable notice of the inspection when practicable and present an official photo identification issued by the agency, upon request by the salon owner or designee.

Subd. 2. **Inspection types.** An agency responsible for inspections may perform three types of inspections:

1. A preoperational inspection to verify the salon is sanitary and properly constructed and equipped;
2. Operational inspections of not more than four times per year, unless the agency has probable cause to believe that human health is endangered; or

3. An inspection after a consumer files a complaint with the agency responsible for inspections.

Subd. 3. **Inspection criteria for salons.** Except for mobile salons, the agency responsible for inspections shall inspect for failure of the salon to:

1. Meet the building, fire, signage, and other codes related generally to retailers;
2. Provide hot and cold running water;
3. Prohibit the use of illegal products, implements, or machines;
4. Prohibit the presence of animals, except service animals;
5. Maintain the salon's cleanliness;
6. Keep restrooms clean;
7. Require employees to wear clean garments and shoes while providing services;
8. Have available protective capes and towels for clients;
9. Disinfect tools, whirlpools, foot spas, and similar equipment after each client using bactericidal, viricidal, and fungicidal disinfectants approved by the EPA;
10. Provide liquid soap and hand towels or a hand air-dryer;
11. Require employees to wash hands with soap and water or use hand sanitizer with at least 60 percent alcohol before serving each client;
12. Store creams, lotions, wax, cosmetics, and other products used on clients in clean and closed containers;
13. Store disinfectants in clean, closed cabinets or clean, closed containers;
14. Require employees or contractors to use appropriate protective equipment when cleaning with disinfectant; or
15. Maintain first aid supplies, including antiseptic, gloves, finger guards, and sterile bandages.

Subd. 4. **Inspection criteria for mobile salons.** An agency responsible for inspections shall inspect for failure of the mobile salon to:

1. Provide hot and cold running water, if the mobile salon offers a service involving the use of water;
2. Prohibit the use of illegal products, implements, or machines;

3. Prohibit the presence of animals, except service animals;
4. Maintain the salon's cleanliness;
5. Require employees to wear clean garments and shoes while providing services;
6. Have available protective capes and towels for clients;
7. Disinfect tools, whirlpools, foot spas, and similar equipment after each client using bactericidal, viricidal, and fungicidal disinfectants approved by the EPA;
8. Require employees to wash hands with soap and water or use hand sanitizer with at least 60 percent alcohol before serving each client;
9. Store creams, lotions, wax, cosmetics, and other products used on clients in clean and closed containers;
10. Store disinfectants in clean, closed cabinets or clean, closed containers;
11. Require employees or contractors to use appropriate protective equipment when cleaning with disinfectant; or
12. Maintain first aid supplies, including antiseptic, gloves, finger guards, and sterile bandages.

The agency responsible for inspections shall not require a mobile salon to have a restroom or to enter into an agreement with a commercial establishment.

Subd. 5. Protocol. A salon owner or designee may request the agency responsible for inspections obtain an administrative warrant prior to conducting an inspection. The agency responsible for inspections shall not penalize or fine a salon for requesting an administrative warrant. Upon an inspector's arrival at the salon, a salon owner or designee shall allow an inspector, in the exercise of official duties, to inspect the salon; cooperate with the inspector; and provide the inspector access to all areas of the salon, including leased space within the salon. Inspections shall be limited in scope to the criteria in subdivisions 3 and 4, as applicable. Inspections of home salons shall also be limited to spaces in the home where the salon operates.

Subd. 6. Violations; orders to comply. The inspector must give the salon owner or designee a written report when a violation is found during an inspection. The salon owner or designee must immediately address each violation and, within 10 business days, bring the salon into compliance with the license requirements or regulations. If an order to comply is issued by the inspector, the salon owner or designee must report to the agency responsible for inspections, by means required in the regulations, within 10 business days of the order's issuance. Using a form provided by the inspector, the report must:

1. Explain how each violation was corrected and the date of correction; and
2. For each violation that was not corrected within 10 days, provide a written explanation of the reason for the delay, the specific steps the salon will take to correct the violation, and the projected date the outstanding violation will be corrected.

The agency responsible for inspections must grant an extension, if requested in writing, when the health and safety of the public is not at an immediate risk and when the delay is warranted based on the information provided by the salon owner or designee.

Subd. 7. **Order to cease operations immediately.** When an agency responsible for inspections has probable cause to believe that human health is endangered, the agency may order the salon immediately to cease operations. The agency shall hold a hearing within 14 days of the order to determine whether the problem has been rectified and whether to suspend, revoke, or reinstate the salon license. The hearing shall be held under the [state's administrative procedure act/city's procedural ordinances].

Subd. 8. **Appeal.** The salon owner may appeal a salon license order, suspension, or revocation under the [state's administrative procedures act/city administrative procedures].

Section 4. RESPONSIBILITY FOR CONSUMER PROTECTION.

Subdivision 1. **Training.** The salon owner is responsible for ensuring the education, training, skills, and competence of persons who work in the owner's salon.

Subd. 2. **Health and safety.** The salon owner is responsible for protecting the health and safety of customers and persons who work in the owner's salon. This includes the salon's sanitation and all equipment used in it.

Subd. 3. **Remedies.** In addition to remedies otherwise provided by law, in an action based on an injury alleged to have occurred in a salon, a person may recover reasonable attorneys' fees and receive other equitable relief, as determined by the court.

Section 5. LIMITATIONS.

Subdivision 1. **Exemptions.** This chapter does not apply to:

1. Funeral homes, hospitals, nursing homes, theaters, or similar facilities where barbering or cosmetology is provided as an auxiliary service; and
2. A facility in which all persons only provide hair braiding, hairstyling, or threading services, and do not provide any other service.

Subd. 2. **Private certification.** Nothing in this Chapter shall be construed to prohibit private certification of any provider.

Section 6. REPEALER. The following statutes and administrative rules are repealed:

(The list of statutes to be repealed should include the occupational licenses for barbers, cosmetologists, estheticians, and nail technicians.)

Section 7. EFFECTIVE DATE.

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