

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.