



**House  
Legislative  
Analysis  
Section**

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## NATURAL HAIR CULTIVATION

House Bills 4339 and 4340  
Sponsor: Rep. Carolyn Kilpatrick  
Committee: Regulatory Affairs

Complete to 8-29-95

### A SUMMARY OF HOUSE BILLS 4339 AND 4340 AS INTRODUCED 2-7-95

House Bill 4340 would amend the Occupational Code (MCL 339.101 et al) to regulate the field of natural hair cultivation. Natural hair cultivation would be defined as "techniques which result in tension on hair strands such as twisting, wrapping, weaving, extending, locking, or braiding of the hair by hand" and "does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair". The new part of the Occupational Code (Article 28) would regulate and license natural hair culture salons and schools of natural hair cultivation, establish regulations for the licensing of natural hair culturists and instructors, and create a board of natural hair cultivation. A natural hair culturist would be a person engaging in natural hair cultivation techniques.

Under the bill, a person who was not licensed would be prohibited from providing any form of natural hair cultivation, with or without compensation, on anyone other than a member of his or her immediate family. (Licensed barbers and cosmetologists providing services in accordance with the act would be exempt from this provision. Note: The definition of "braiding" in the bill specifies services provided for compensation.) Specifically, House Bill 4340 would do the following:

Licensing. Natural hair culturists and instructors of natural hair cultivation would be required to be licensed by the Department of Commerce, as would hair culture salons and schools of natural hair cultivation. A natural hair culture salon or school of natural hair cultivation would be "a building, or part of a building, completely partitioned off from any other business or dwelling, except a barbershop licensed under article 11 or cosmetological establishment licensed under article 12, at which natural hair cultivation is practiced or taught for hire or compensation." (A salon would be permitted to be located in an area where clothing and accessories were sold.)

A natural hair culturist would have to meet the following criteria:

- \* be at least 17 years of age.
- \* pass an approved examination which would include a practical demonstration and a written or oral test not confined to a specific system or method.
- \* furnish a diploma from, or proof of having completed the required time in, a licensed school of natural hair cultivation.

- \* be of good moral character.
- \* have completed a ninth grade education.
- \* have completed 400 hours of training over a three-month period in an approved school of natural hair cultivation, or served one year as an apprentice in a licensed natural hair culture salon.

Applications for examination and licensure would need to be submitted in writing on forms provided by the department, contain proof of the applicant's qualifications, and be verified by the oath of the applicant. A person licensed as a natural hair culturist in another state would be granted a license, without examination, if he or she met certain criteria. Individuals who had received their training or experience outside of the country would need to submit proof thereof to the department before being accepted for examination.

An instructor of natural hair cultivation, in addition to being at least 17 years of age and of good moral character, would need to meet the following requirements:

- \* have a high school diploma or equivalent education approved by the department.
- \* be a licensed natural hair culturist.
- \* pass an examination determining the applicant's fitness to practice as an instructor.
- \* have completed 300 hours of instruction in the teaching of natural hair cultivation at a licensed school of natural hair cultivation.

A person regulated as a natural hair cultivation instructor by another state would be able to substitute one year of teaching experience for the required training.

"Grandfather" clause. Examination requirements would be waived for a natural hair culturist or instructor who met the above qualifications and who had been employed in the practice of natural hair cultivation on a full-time basis for three of the last five years immediately preceding the effective date of the bill providing that the application for the waiver was submitted within twelve months of the bill's effective date.

Natural hair culture salon and school of natural hair cultivation. The practice of natural hair cultivation would be permitted only in licensed premises except as permitted by the bill. (For instance, a natural hair culturist would be permitted to practice on a patient in a hospital, nursing home, home for the aged, convalescent home, or similar facility or at a person's home due to age, illness, or infirmity.) Licenses would be issued by the Department of Commerce to the salon or school and to the managing hair culturist. The department would inspect salons annually and schools bi-annually. A license would be revoked upon the transfer of ownership or location of a salon or school. The requirements of the bill would need to be met before a new license would be issued to the new owner or

for the new location. In addition, using any room of a salon or school for residential purposes or for sleeping would be prohibited.

A natural hair culture salon would have to be under the daily attendance and supervision of a licensed natural hair culturist who was at least 18 years of age and had at least one year of experience in natural hair cultivation. The salon would be prohibited from having more than two apprentices at any one time.

A school of natural hair cultivation would maintain school terms of at least 400 hours extending over three consecutive months and offering both practical training and technical instruction as outlined in a department-approved curriculum. The school would possess all necessary equipment and apparatus for effectual instruction and have one licensed instructor for each 20 students. Copies of the daily attendance records would be sent monthly to the department, grades would be established, and a board-approved examination would be given prior to granting a diploma. A school of natural hair cultivation would be operated only for teaching purposes; students would be prohibited from practicing on the public until after completing 75 hours of instruction, and from attending the school more than seven hours a day or 40 hours per week. A financial contract showing total cost and all charges to complete the course of study would be provided to a student upon enrollment. The same financial information would need to be included in any advertising material mentioning tuition or other related matters. A \$10,000 bond would be posted by each school. In addition, a school of natural hair cultivation would be under the daily supervision and attendance of a managing natural hair culturist who was a licensed instructor with at least three years of experience in natural hair cultivation in a licensed natural hair culture salon and at least two years of natural hair cultivation teaching experience. Any natural hair culture salon charging a fee for natural hair cultivation instruction would be considered a school and required to adhere to the provisions of the bill.

Upon enrolling a student or apprentice, a school or salon would be required to file an application with the department with proof of the student's educational status. The application would be kept on file by the department until the student or apprentice applied for examination as a natural hair culturist. (A student enrolling in a program that was part of a regular school curriculum would be exempt from the ninth grade education requirement.)

Board of Natural Hair Cultivation: The bill would create a board of natural hair cultivation. The board, along with the department, would promulgate rules pertaining to sanitary practice with particular emphasis in preventing the spread of an infectious or contagious disease. A board member, or an inspector or investigator from the department, would be permitted to inspect a salon or school to determine if a licensee was conforming to the requirements of the bill.

Penalties. Violations of the bill, including the continued practice by a person knowingly having an infectious or contagious disease and providing services from unlicensed premises, would be subject to the penalties listed in Article 6 of the code (license sanctions, criminal fines and imprisonment, and civil fines). In addition, the bill would specify that contracting with, being employed by, or being provided space or leasing space from a

hospital, nursing home, home for the aged, convalescent home, or similar facility in order to practice natural hair cultivation without a natural hair culture salon license would be prohibited. (As noted earlier, providing services at these facilities or at a person's home due to age, illness, or infirmity would be permitted).

House Bill 4339 would amend the State License Fee Act (MCL 338.2201 et al) to establish application fees and license fees for occupations relating to natural hair cultivation, including natural hair care culturist or instructor and an operator of a natural hair culture salon or school of natural hair cultivation. The bill would also establish an examination fee for natural hair culturists and instructors, a student registration fee, and a permit to conduct an apprenticeship program in natural hair cultivation. Fees would range from \$5 to \$100.