

HOUSE BILL No. 6127

May 20, 2008, Introduced by Rep. David Law and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201, 1203, 1203b, 1204, and 1217 (MCL 339.1201, 339.1203, 339.1203b, 339.1204, and 339.1217), sections 1201 and 1217 as amended and section 1203b as added by 1997 PA 97 and section 1204 as amended by 2003 PA 57.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1201. As used in this article:

2 (a) "Apprentice" means an individual engaged in learning
3 cosmetology in a cosmetology establishment.

4 (b) "Braiding" means providing or offering to the general
5 public for compensation any of the following services solely for
6 development or improvement of physical qualities of the natural

1 hair structure:

2 (i) Intertwining in a systematic motion to create patterns in a
3 3-dimensional form.

4 (ii) Inversion or outversion flat against the scalp along the
5 part of a straight or curved row.

6 (iii) Twisting in a systematic motion.

7 (iv) Extension with natural or synthetic fibers.

8 (c) "Cosmetologist" means an individual who renders or offers
9 to render cosmetology services.

10 (d) "Cosmetology" means 1 of the following services or a
11 combination of the following services:

12 (i) Hair care services.

13 (ii) Skin care services.

14 (iii) Manicuring services.

15 (iv) Electrology.

16 (e) "Cosmetology establishment" means the premises on which
17 cosmetology or 1 or more of its services are rendered or are
18 offered to be rendered. **THE LOCATION IN WHICH COSMETOLOGY SERVICES**
19 **ARE BEING CONDUCTED BY THE HOLDER OF A PERMIT IS CONSIDERED**
20 **TEMPORARILY TO BE THE PREMISES ON WHICH MOBILE SERVICES ARE**
21 **RENDERED FOR PURPOSES OF THE RULES PROMULGATED UNDER SECTION 1203.**

22 Cosmetology establishment does not include a school of cosmetology.

23 (f) "Electrologist" means an individual who renders or offers
24 to render electrology.

25 (g) "Electrology" means the permanent removal of hair from the
26 body of an individual by the use of electricity.

27 (h) "Esthetician" means an individual who renders or offers to

1 render skin care services.

2 (i) "Hair care services" means arranging, cutting, dressing,
3 curling, waving, cleansing, singeing, bleaching, coloring, tinting,
4 trimming, styling, relaxing, perming, straightening, or similar
5 work upon the hair of the head or a wig that an individual is
6 wearing.

7 (j) "Instructor" means an individual who teaches or offers to
8 teach 1 or more cosmetology services in a school of cosmetology.

9 (k) "Manicuring services" means the cleansing, filing,
10 shaping, buffing, polishing, or beautifying of the nails of the
11 hands or feet, and the cleansing, massaging, stimulating,
12 exercising, or beautifying of the skin of the hands, arms, and
13 feet, manually or with the use of tools, appliances, or cosmetic
14 preparations, including the repair of nails, or the creation or
15 decoration of artificial nails. Manicuring services do not include
16 the practice of podiatric medicine and surgery as defined in
17 section 18001 of the public health code, 1978 PA 368, MCL
18 333.18001.

19 (l) "Manicurist" means an individual who renders or offers to
20 render manicuring services.

21 (M) "MOBILE SERVICES" MEANS THE FOLLOWING COSMETOLOGY
22 SERVICES:

23 (i) THE CUTTING, PERMING, OR COLORING OF HAIR.

24 (ii) MANICURING SERVICES.

25 (iii) THE WAXING, BEAUTIFYING OF THE FACE BY THE USE OF COSMETIC
26 PREPARATIONS AND APPLICATION OF REMOVABLE MAKEUP, AND GIVING OF
27 BASIC FACIALS.

1 (N) ~~(m)~~—"Natural hair cultivation" means techniques that
2 result in tension on hair strands such as twisting, wrapping,
3 weaving, extending, locking, or braiding of the hair by hand, which
4 work does not include the application of dyes, reactive chemicals,
5 or other preparations to alter the color or to straighten, curl, or
6 alter the structure of the hair.

7 (O) ~~(n)~~—"Natural hair culturist" means a person engaged in
8 natural hair cultivation but does not include a person engaged in
9 natural hair cultivation if that activity is performed as part of
10 the practice of a recognized religion.

11 (P) **"PERMIT" MEANS A PERMIT ISSUED UNDER SECTION 1204 FOR THE**
12 **PROVISION OF MOBILE SERVICES.**

13 (Q) ~~(o)~~—"Owner" means a person who owns and conducts a
14 cosmetology establishment or a school of cosmetology.

15 (R) ~~(p)~~—"School of cosmetology" means the premises where
16 cosmetology or 1 or more of its services are taught.

17 (S) ~~(q)~~—"Skin care services" includes the following services
18 or combination of services:

19 (i) Beautifying the skin of the body of an individual by the
20 use of cosmetic preparations, antiseptics, tonics, lotions, or
21 creams, including body wrapping.

22 (ii) Cleansing or stimulating the skin of the body by the use
23 of the hands, devices, apparatus, or appliances, with or without
24 the use of cosmetic preparations, antiseptics, tonics, lotions, or
25 creams.

26 (iii) The temporary removal of hair from the body of an
27 individual by the use of depilatories, waxes, razors, scissors,

1 clippers, or tweezers.

2 (iv) Giving facials, applying removable makeup, applying
3 eyelashes, or any other application of a preparation or beauty
4 enhancement to the body of an individual but does not include
5 applying permanent makeup or the use of tanning equipment.

6 (T) ~~(r)~~ "Student" means an individual engaged in learning
7 cosmetology or 1 or more of its services in a school of
8 cosmetology.

9 Sec. 1203. (1) The **DIRECTOR OF THE** department, ~~and~~ **IN**
10 **CONSULTATION WITH** the board, shall promulgate sanitary rules ~~they~~
11 **HE OR SHE CONSIDERS** ~~consider~~ necessary, with particular reference
12 to the precautions necessary to be employed to prevent the
13 spreading of an infectious or contagious disease, and shall arrange
14 an inspection as ~~they consider~~ **CONSIDERED** necessary to safeguard
15 the public health.

16 (2) **NOT LATER THAN 18 MONTHS AFTER THE EFFECTIVE DATE OF THE**
17 **AMENDATORY ACT THAT ADDED THIS SUBSECTION, THE DIRECTOR OF THE**
18 **DEPARTMENT, IN CONSULTATION WITH THE BOARD, SHALL PROMULGATE RULES**
19 **TO PROVIDE FOR THE SANITARY STANDARDS AND OTHER STANDARDS HE OR SHE**
20 **CONSIDERS NECESSARY TO PROTECT THE PUBLIC HEALTH IN THE**
21 **IMPLEMENTATION OF THE PERMITS FOR MOBILE SERVICES.**

22 Sec. 1203b. (1) A person shall not conduct or operate a
23 cosmetology establishment or school of cosmetology without a school
24 or establishment license issued under this article.

25 (2) **BEGINNING THE EFFECTIVE DATE OF THE RULES PROMULGATED**
26 **UNDER SECTION 1203, THE HOLDER OF A COSMETOLOGY ESTABLISHMENT**
27 **LICENSE MAY APPLY TO THE DEPARTMENT FOR THE ISSUANCE OF A PERMIT**

1 ALLOWING THE PROVISION OF MOBILE SERVICES AT A LOCATION OUTSIDE OF
2 THE LICENSED COSMETOLOGY ESTABLISHMENT. THE RENDERING OF THE MOBILE
3 SERVICES SHALL BE IN THE MANNER PROVIDED FOR IN THE RULES
4 PROMULGATED UNDER SECTION 1203.

5 Sec. 1204. (1) The department shall issue a license to a
6 person for the operation of a cosmetology establishment if all of
7 the following requirements are met:

8 (a) An application is submitted by the owners or managers of
9 the establishment.

10 (b) The application includes a drawing or diagram indicating
11 the premises to be licensed and the location of required equipment
12 and facilities.

13 (c) The premises has satisfactorily passed an inspection
14 conducted by the department for the purpose of determining whether
15 the establishment has met sanitation and equipment standards
16 prescribed in rules promulgated by the director.

17 (d) Except as provided in subsection (3), the cosmetology
18 establishment shall be under the daily attendance and supervision
19 of a licensed cosmetologist who is not less than 18 years of age
20 and has had not less than 1 year's practical experience in
21 cosmetology.

22 (2) A cosmetology establishment shall be completely separated
23 by full partitions and doors from a dwelling or a school of
24 cosmetology.

25 (3) The department may issue a limited cosmetology
26 establishment license to a person who seeks to perform only 1 or
27 more services of cosmetology on the premises. If the establishment

1 license is limited to only manicuring services or skin care
2 services, the supervising licensee may be an individual licensed
3 only in that service. A licensed cosmetologist working in a limited
4 licensed cosmetology establishment shall not perform cosmetology
5 services for which the premises are not licensed. If the
6 cosmetology establishment license is limited to electrology, the
7 supervising licensee shall be a licensed electrologist. A licensed
8 cosmetologist shall not supervise a cosmetology establishment whose
9 cosmetology license is limited to rendering electrology unless the
10 cosmetologist is licensed as an electrologist.

11 (4) The department may grant a temporary establishment license
12 to a person who has fulfilled all licensure requirements except for
13 the completion of the inspection.

14 (5) **THE DEPARTMENT MAY ISSUE A MOBILE SERVICES PERMIT TO THE**
15 **HOLDER OF A COSMETOLOGY ESTABLISHMENT LICENSE UPON SUBMISSION OF A**
16 **COMPLETED APPLICATION TO THE DEPARTMENT AND PAYMENT OF A MOBILE**
17 **SERVICES PERMIT FEE OF \$75.00. A PERMIT IS CONSIDERED A LICENSE FOR**
18 **PURPOSES OF ARTICLES 5 AND 6, AND A VIOLATION OF THIS ACT AND THE**
19 **RULES REGARDING PERMITS IS CONSIDERED A VIOLATION AGAINST BOTH THE**
20 **COSMETOLOGIST AND THE COSMETOLOGY ESTABLISHMENT.**

21 (6) ~~(5)~~—The transfer of ownership or location of a cosmetology
22 establishment voids the license. The filing of a new license
23 application is a predicate to the change in ownership or location
24 of an establishment.

25 (7) ~~(6)~~—The license of the establishment and of each
26 individual working in the establishment shall be displayed in a
27 prominent place which is visible to the public at all times. The

1 license of an individual working in the establishment may be posted
2 at the individual's work station.

3 Sec. 1217. A licensee who commits or has committed 1 or more
4 of the following is subject to the penalties set forth in article
5 6:

6 (a) Continued practice by a person knowingly having an
7 infectious or contagious disease.

8 (b) Practicing cosmetology on the public outside of a licensed
9 cosmetology establishment or school of cosmetology **UNLESS THE**
10 **PRACTICE IS CONDUCTED PURSUANT TO A VALID MOBILE SERVICES PERMIT.**
11 However, a licensed cosmetologist may serve a patron in premises
12 not licensed as a cosmetology establishment provided that the
13 services rendered involve a special event in which the cosmetology
14 service is required to be performed for an on-site participant of
15 the event.

16 (c) Contracting with, being employed by, or being provided
17 space or leasing space from a hospital, nursing home, convalescent
18 home, or similar facility for the purpose of practicing
19 cosmetology, without a cosmetology establishment license. However,
20 a licensed cosmetologist may practice on a patient in a hospital,
21 nursing home, convalescent home, or similar facility, or on a
22 person requiring home care because of an illness or infirmity.