

HOUSE BILL No. 5060

June 9, 2009, Introduced by Rep. Tyler and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 1205 (MCL 339.1205), as amended by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1205. (1) The department shall issue a license to a
2 person for the operation of a school of cosmetology if all of the
3 following requirements are met:

4 (a) An application is submitted by the owner or manager of the
5 school.

6 (b) The application includes a drawing or diagram that
7 indicates the premises to be licensed, showing that the premises
8 are fully partitioned from any other activity, business, or
9 dwelling. The location of required equipment and facilities shall
10 also be shown on the diagram.

11 (c) A cash or surety bond of \$10,000.00 has been furnished in

1 favor of the people of this state for the use and benefit of
2 students and conditioned upon the faithful performance and
3 satisfaction of the contractual rights of students.

4 (d) Provisions have been made for the school to be under the
5 daily supervision of a licensed instructor who has at least 3
6 years' experience in all services of cosmetology being taught in
7 the school.

8 (e) The premises has successfully passed an inspection by the
9 department conducted for the purpose of determining whether the
10 school has met the standards set forth in this article and rules
11 promulgated by the director.

12 (2) A school of cosmetology shall fulfill all of the following
13 requirements:

14 (a) Shall maintain a course of practical training and
15 technical instruction, as outlined in the various curricula set
16 forth in rules promulgated by the director, equal to the
17 requirements for prelicensure training under this article. A school
18 of cosmetology shall teach hair care services, skin care services,
19 and manicuring services and may hold a limited license for the
20 teaching of electrology **OR SKIN CARE SERVICES**. However, a school of
21 cosmetology with a license limited only to the teaching of
22 electrology **OR SKIN CARE SERVICES** shall teach only electrology **OR**
23 **SKIN CARE SERVICES** and not any other cosmetology service.

24 (b) Shall possess efficient apparatus and equipment prescribed
25 in rules promulgated by the director sufficient for the ready and
26 full teaching of each subject in the curriculum.

27 (c) Shall maintain 1 person licensed as an instructor,

1 competent to impart instruction in each subject of its curriculum,
2 for every 20 students.

3 (d) Shall be operated for teaching purposes only. Instructors
4 shall practice on the public only to demonstrate techniques to
5 students and to correct the work of students.

6 (e) Shall provide for the display of the license of the school
7 of cosmetology and of each instructor working in the school in a
8 prominent place that is visible to the public at all times. A sign
9 shall be displayed indicating that services are rendered by
10 students of the school.

11 (f) At the time of the enrollment of a student, shall furnish
12 the student a financial contract showing the total cost and all
13 charges involved in the complete course of study. Advertising
14 matter put out by schools, when mentioning the cost of tuition or
15 related subjects, shall furnish the same financial information as
16 described in this subsection.

17 (3) A cosmetology establishment exacting a fee for the
18 teaching of cosmetology or 1 or more services of cosmetology is
19 considered a school of cosmetology and is required to comply with
20 this section. A cosmetology establishment conducting an
21 apprenticeship program without charging a fee for the teaching of
22 cosmetology shall comply with subsection (5). A cosmetology
23 establishment which has successfully trained 1 apprentice is
24 eligible to train additional apprentices except that a cosmetology
25 establishment shall not have more than 2 apprentices at the same
26 time.

27 (4) The department may issue a limited school of cosmetology

1 license to a school teaching only electrology **OR SKIN CARE**
2 **SERVICES**. A school of cosmetology whose license is limited to
3 teaching only electrology **OR SKIN CARE SERVICES** shall fulfill all
4 of the requirements of this section, except that daily supervision
5 of the school shall be provided by an electrology **OR SKIN CARE**
6 **SERVICES** instructor and the curriculum offered and equipment and
7 facilities required shall be only those required for the teaching
8 of electrology **OR SKIN CARE SERVICES**.

9 (5) A school of cosmetology or a cosmetology establishment
10 conducting an apprenticeship program shall comply with all of the
11 following requirements:

12 (a) Require that a student or apprentice be in attendance not
13 more than 7 hours per day or not more than 40 hours per week.

14 (b) Keep a daily record of the attendance of each student or
15 apprentice, a copy of which shall be sent to the department
16 monthly, establish grades, and require a student or apprentice to
17 pass an examination before certifying to the department that an
18 individual has completed training.

19 (c) Permit a cosmetology student or apprentice to practice on
20 the public only after completing at least 350 hours of instruction
21 in the general cosmetology curriculum, including both theory and
22 practical hours. A student or apprentice in a natural hair
23 cultivation, manicuring, skin care, or electrology curriculum may
24 practice on the public only after completing at least 1 of the
25 hours required by the applicable curriculum, including both theory
26 and practical hours.

27 (6) The transfer of ownership or location of a school of

1 cosmetology voids the license. The filing of a new license
2 application is a predicate to the change in ownership or location
3 of a school.