

# SENATE BILL No. 1112

October 18, 2016, Introduced by Senators KNOLLENBERG, JONES, KOWALL, HERTEL and WARREN and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 1201, 1205, 1206, and 1207 (MCL 339.1201, 339.1205, 339.1206, and 339.1207), as amended by 1997 PA 97, and by adding section 1210b.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1201. As used in this article:

2       (a) "Apprentice" means an individual **WHO IS** engaged in  
3       learning 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  
7       hair structure:

8       (i) Intertwining in a systematic motion to create patterns in

1 a 3-dimensional form.

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

4 (iii) Twisting in a systematic motion.

5 (iv) Extension with natural or synthetic fibers.

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

8 (d) "Cosmetology" means 1 of the following services or a  
9 combination of the following services:

10 (i) Hair ~~care services~~. **STYLING**.

11 (ii) Skin care services.

12 (iii) Manicuring services.

13 (iv) Electrology.

14 (e) "Cosmetology establishment" means the premises on which  
15 cosmetology or 1 or more of its services are ~~rendered or are~~  
16 ~~offered to be rendered~~. **PERFORMED OR OFFERED**. Cosmetology  
17 establishment does not include a school of cosmetology.

18 (f) "Electrologist" means an individual who ~~renders~~ **PERFORMS**  
19 or offers to ~~render~~ **PERFORM** electrology.

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

22 (h) "Esthetician" means an individual who ~~renders~~ **PERFORMS** or  
23 offers to ~~render~~ **PERFORM** skin care services.

24 (i) "Hair ~~care services~~" **STYLING** means arranging, cutting,  
25 dressing, curling, waving, cleansing, singeing, bleaching,  
26 coloring, tinting, trimming, styling, relaxing, perming,  
27 straightening, or similar work upon the hair of the head or a wig

1 that an individual is wearing.

2 (J) "HAIR STYLIST" MEANS AN INDIVIDUAL WHO PERFORMS OR OFFERS  
3 TO PERFORM HAIR STYLING.

4 (K) ~~(j)~~ "Instructor" means an individual who teaches or offers  
5 to teach 1 or more cosmetology services in a school of cosmetology.

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

16 (M) ~~(l)~~ "Manicurist" means an individual who ~~renders~~ **PERFORMS**  
17 or offers to ~~render~~ **PERFORM** manicuring services.

18 (N) ~~(m)~~ "Natural hair cultivation" means techniques that  
19 result in tension on hair strands such as twisting, wrapping,  
20 weaving, extending, locking, or braiding of the hair by hand. ~~7~~  
21 ~~which work~~ **THE TERM** does not include the application of dyes,  
22 reactive chemicals, or other preparations to alter the color or to  
23 straighten, curl, or alter the structure of the hair.

24 (O) ~~(n)~~ "Natural hair culturist" means ~~a person~~ **AN INDIVIDUAL**  
25 **WHO IS** engaged in natural hair cultivation but does not include a  
26 ~~person~~ **AN INDIVIDUAL WHO IS** engaged in natural hair cultivation if  
27 that activity is performed as part of the practice of a recognized

1 religion.

2 (P) ~~(e)~~ "Owner" means a person ~~who~~ **THAT** owns and conducts a  
3 cosmetology establishment or a school of cosmetology.

4 (Q) ~~(p)~~ "School of cosmetology" means the premises ~~where~~ **ON**  
5 **WHICH** cosmetology or 1 or more of its services are taught.

6 (R) ~~(q)~~ "Skin care services" includes the following services  
7 or combination of services:

8 (i) Beautifying the skin of the body of an individual by the  
9 use of cosmetic preparations, antiseptics, tonics, lotions, or  
10 creams, including body wrapping.

11 (ii) Cleansing or stimulating the skin of the body by the use  
12 of the hands, devices, apparatus, or appliances, with or without  
13 the use of cosmetic preparations, antiseptics, tonics, lotions, or  
14 creams.

15 (iii) The temporary removal of hair from the body of an  
16 individual by the use of depilatories, waxes, razors, scissors,  
17 clippers, or tweezers.

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

22 (S) ~~(r)~~ "Student" means an individual **WHO IS** engaged in  
23 learning cosmetology or 1 or more of its services in a school of  
24 cosmetology.

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

1 (a) An application is submitted by the owner or manager of the  
2 school.

3 (b) The application includes a drawing or diagram that  
4 indicates the premises to be licensed, ~~showing~~ **CONFIRMS** that the  
5 premises are fully partitioned from any other activity, business,  
6 or dwelling, ~~The~~ **AND SHOWS THE** location of required equipment and  
7 facilities. ~~shall also be shown on the diagram.~~

8 (c) A cash or surety bond of \$10,000.00 ~~has been~~ **IS** furnished  
9 in favor of the people of this state for the use and benefit of  
10 students and conditioned ~~upon~~ **ON** the faithful performance and  
11 satisfaction of the contractual rights of students.

12 (d) ~~Provisions have been made for the school to be under the~~  
13 **THE SCHOOL HAS MADE PROVISIONS FOR THE** daily supervision of **THE**  
14 **SCHOOL BY** a licensed instructor who has at least 3 years'  
15 experience in all services of cosmetology ~~being~~ **THAT ARE** taught in  
16 the school.

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

21 (2) A school of cosmetology shall fulfill all of the following  
22 requirements:

23 (a) Shall maintain a course of practical training and  
24 technical instruction, as outlined in the various curricula set  
25 forth in rules promulgated by the director, equal to the  
26 requirements for prelicensure training under this article. A school  
27 of cosmetology shall teach hair ~~care services,~~ **STYLING,** skin care

1 services, and manicuring services and may hold a limited license  
 2 for the teaching of electrology. However, a school of cosmetology  
 3 with a license limited only to the teaching of electrology shall  
 4 teach only electrology and not any other cosmetology service.

5 (b) Shall possess efficient apparatus and equipment,  
 6 ~~prescribed~~ **AS REQUIRED** in rules promulgated by the director, **THAT**  
 7 **ARE** sufficient for the ready and full teaching of each subject in  
 8 the curriculum.

9 (c) Shall maintain 1 ~~person licensed as an instructor~~ **WHO IS**  
 10 **LICENSED UNDER THIS PART AND IS** competent to impart instruction in  
 11 each subject of its curriculum, for every 20 students.

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

15 (e) Shall provide for the display of the license of the school  
 16 of cosmetology and of each instructor working in the school in a  
 17 prominent place that is visible to the public at all times. ~~A sign~~  
 18 ~~shall be displayed indicating~~ **THE SCHOOL SHALL DISPLAY A SIGN THAT**  
 19 **INDICATES** that services are ~~rendered~~ **PERFORMED** by students of the  
 20 school.

21 (f) At the time of the enrollment of a student, shall furnish  
 22 the student a financial contract ~~showing~~ **THAT STATES** the total cost  
 23 and all charges involved in the complete course of study.

24 ~~Advertising matter put out by schools, when mentioning~~ **IF ANY**  
 25 **ADVERTISING BY THE SCHOOL MENTIONS** the cost of tuition or related  
 26 subjects, ~~shall furnish~~ **THE SCHOOL SHALL INCLUDE** the same financial  
 27 information as described in this ~~subsection~~ **SUBDIVISION IN THE**

1   **ADVERTISING.**

2           (3) A cosmetology establishment ~~exacting~~**THAT CHARGES** a fee  
3 for the teaching of cosmetology or 1 or more services of  
4 cosmetology is considered a school of cosmetology and is required  
5 to comply with this section. A cosmetology establishment ~~conducting~~  
6 **THAT CONDUCTS** an apprenticeship program without charging a fee for  
7 the teaching of cosmetology shall comply with subsection (5). A  
8 cosmetology establishment ~~which~~**THAT** has successfully trained 1  
9 apprentice is eligible to train additional apprentices except that  
10 a cosmetology establishment shall not have more than 2 apprentices  
11 at the same time.

12           (4) The department may issue a limited school of cosmetology  
13 license to a school ~~teaching~~**THAT TEACHES** only electrology. A  
14 school of cosmetology whose license is limited to teaching only  
15 electrology shall fulfill all of the requirements of this section,  
16 except that **AN ELECTROLOGY INSTRUCTOR SHALL PROVIDE THE** daily  
17 supervision of the school ~~shall be provided by an electrology~~  
18 ~~instructor~~ and the curriculum offered and equipment and facilities  
19 required shall be only those required for the teaching of  
20 electrology.

21           (5) A school of cosmetology or a cosmetology establishment  
22 ~~conducting~~**THAT CONDUCTS** an apprenticeship program shall comply  
23 with all of the following requirements:

24           (a) ~~Require~~**SHALL NOT REQUIRE** that a student or apprentice be  
25 in attendance ~~not~~ more than 7 hours per day or ~~not~~ more than 40  
26 hours per week.

27           (b) ~~Keep~~**SHALL KEEP** a daily record of the attendance of each

1 student or apprentice, **SEND** a copy of ~~which shall be sent~~ **EACH**  
 2 **DAILY RECORD OF ATTENDANCE** to the department monthly, establish  
 3 grades, and require a student or apprentice to pass an examination  
 4 before certifying to the department that an individual has  
 5 completed training.

6 (c) Permit a cosmetology student or apprentice to practice on  
 7 the public only after completing at least 350 hours of instruction  
 8 in the general cosmetology curriculum, including both theory and  
 9 practical hours. A student or apprentice in a natural hair  
 10 cultivation, **HAIR STYLING**, manicuring, skin care, or electrology  
 11 curriculum may practice on the public only after completing at  
 12 least 1/4 of the hours required by the applicable curriculum,  
 13 including both theory and practical hours.

14 (6) The transfer of ownership or location of a school of  
 15 cosmetology voids the license. The filing of a new license  
 16 application is ~~a predicate to the~~ **REQUIRED BEFORE ANY** change in  
 17 ownership or location of a school.

18 Sec. 1206. (1) The department shall issue a license as a  
 19 cosmetology instructor to an individual who meets all of the  
 20 following requirements:

21 (a) Is of good moral character.

22 (b) Has a high school diploma or its equivalent.

23 (c) Is licensed as a cosmetologist under this article.

24 (d) Has at least 3 years of practical experience in natural  
 25 hair cultivation, hair ~~care services~~, **STYLING**, skin care services,  
 26 and manicuring services, at least 1 year of which ~~shall be~~ **IS** in a  
 27 cosmetology establishment.

1 (e) Has completed not less than 500 hours of instructor  
2 training.

3 (f) Has passed an examination approved by the department and  
4 the board.

5 (2) The department shall issue a license as an electrology  
6 instructor to an individual who meets all of the following  
7 requirements:

8 (a) Is of good moral character.

9 (b) Has a high school diploma or its equivalent.

10 (c) Is licensed as an electrologist under this article.

11 (d) Has at least 3 years of practical experience in  
12 electrology, at least 1 year of which ~~shall be~~ **IS** in a cosmetology  
13 establishment holding a limited license for the practice of  
14 electrology.

15 (e) Has completed not less than 300 hours of instructor  
16 training.

17 (f) Has passed an examination approved by the department and  
18 the board.

19 (3) The department may issue a limited instructor's license to  
20 an individual who meets all of the requirements of either  
21 subsection (1) except for subsection (1)(d) or subsection (2)  
22 except for subsection (2)(d). The holder of a limited instructor's  
23 license shall not supervise a school of cosmetology at any time.

24 (4) The department may issue a limited specialist instructor's  
25 license to an individual who meets all of the following  
26 requirements:

27 (a) Is of good moral character.

1 (b) Has a high school diploma or its equivalent.

2 (c) Is licensed as a manicurist, natural hair culturist, **HAIR**  
3 **STYLIST**, or esthetician.

4 (d) Has completed not less than 300 hours of instructor  
5 training.

6 (e) Has passed an examination approved by the department and  
7 the board.

8 (5) ~~The~~ **A** specialist instructor's license **ISSUED UNDER**  
9 **SUBSECTION (4)** shall limit the instruction ~~given by that~~ **THE**  
10 individual **IS AUTHORIZED TO PROVIDE** to only the service in which he  
11 or she is licensed.

12 Sec. 1207. The department shall issue a cosmetologist license  
13 to an individual who fulfills all of the following requirements:

14 (a) Is ~~not less than~~ **AT LEAST** 17 years of age.

15 (b) Is of good moral character.

16 (c) Has had an education equivalent to the completion of the  
17 ninth grade.

18 (d) Has completed either not less than a 1,500-hour course of  
19 study in a licensed school of cosmetology or has served as an  
20 apprentice for not less than 2 years in a licensed cosmetology  
21 establishment in which hair ~~care services,~~ **STYLING**, skin care  
22 services, and manicuring services are offered. The training shall  
23 include a minimum number of practical applications as prescribed in  
24 rules promulgated by the director.

25 (e) Has passed an examination prescribed by the department and  
26 the board.

27 **SEC. 1210B. THE DEPARTMENT SHALL ISSUE A LICENSE AS A HAIR**

1 STYLIST TO AN INDIVIDUAL WHO FULFILLS ALL OF THE FOLLOWING:

2 (A) IS AT LEAST 17 YEARS OF AGE.

3 (B) IS OF GOOD MORAL CHARACTER.

4 (C) HAS HAD AN EDUCATION EQUIVALENT TO THE COMPLETION OF THE  
5 NINTH GRADE.

6 (D) HAS COMPLETED AT LEAST 1,100 HOURS OF TRAINING IN A  
7 LICENSED SCHOOL OF COSMETOLOGY IN WHICH THE PRACTICE OF HAIR  
8 STYLING IS TAUGHT OR HAS STUDIED FOR AT LEAST 2 YEARS AS AN  
9 APPRENTICE IN A LICENSED COSMETOLOGY ESTABLISHMENT WHERE HAIR  
10 STYLING SERVICES ARE OFFERED. THE TRAINING SHALL INCLUDE A MINIMUM  
11 NUMBER OF PRACTICAL APPLICATIONS AS PRESCRIBED IN RULES PROMULGATED  
12 BY THE DIRECTOR.

13 (E) HAS PASSED AN EXAMINATION PRESCRIBED BY THE BOARD AND THE  
14 DEPARTMENT.

15 Enacting section 1. This amendatory act takes effect 90 days  
16 after the date it is enacted into law.

17 Enacting section 2. This amendatory act does not take effect  
18 unless Senate Bill No.\_\_\_\_ or House Bill No.\_\_\_\_ (request no.  
19 06385'16) of the 98th Legislature is enacted into law.