

HOUSE BILL No. 4310

February 26, 2013, Introduced by Reps. Cotter, Walsh, Kelly and Kesto and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1204 and 1205 (MCL 339.1204 and 339.1205), section 1204 as amended by 2003 PA 57 and section 1205 as amended by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

4 (a) An application is submitted by the owners or managers of
5 the establishment.

6 (b) The application **DESCRIBED IN SUBDIVISION (A)** includes a
7 drawing or diagram ~~indicating~~ **THAT DESCRIBES** the premises to be
8 licensed and the location of **ALL** required equipment and facilities.

1 (c) The premises ~~has~~**HAVE** satisfactorily passed an inspection
2 conducted by the department for the purpose of determining whether
3 the establishment ~~has met~~**MEETS** sanitation and equipment standards
4 prescribed in rules promulgated by the director.

5 (d) Except as provided in subsection ~~(3)~~,**(2)**, the cosmetology
6 establishment ~~shall be~~**IS** under the daily attendance and
7 supervision of a licensed cosmetologist who is not less than 18
8 years of age and has had ~~not less than~~**AT LEAST** 1 year's practical
9 experience in cosmetology.

10 ~~—— (2) A cosmetology establishment shall be completely separated~~
11 ~~by full partitions and doors from a dwelling or a school of~~
12 ~~cosmetology.~~

13 **(2)** ~~(3)~~The department may issue a limited cosmetology
14 establishment license to a person ~~who~~**THAT** seeks to perform only 1
15 or more services of cosmetology on the premises. If the
16 establishment license is limited to only manicuring services or
17 skin care services, the supervising licensee may be an individual
18 **WHO IS** licensed only in that service. A licensed cosmetologist **WHO**
19 **IS** working in a limited licensed cosmetology establishment shall
20 not perform cosmetology services for which the premises are not
21 licensed. If the cosmetology establishment license is limited to
22 electrology, the supervising licensee shall be a licensed
23 electrologist. A licensed cosmetologist shall not supervise a
24 cosmetology establishment whose cosmetology license is limited to
25 rendering electrology unless the cosmetologist is licensed as an
26 electrologist.

27 **(3)** ~~(4)~~The department may grant a temporary establishment

1 license to a person ~~who~~ **THAT** has fulfilled all licensure
2 requirements except for the completion of the inspection.

3 (4) ~~(5)~~—The transfer of ownership or location of a cosmetology
4 establishment voids the license. The filing of a new license
5 application is **REQUIRED BEFORE** a ~~predicate to the~~ change in
6 ownership or location of an establishment.

7 (5) ~~(6)~~—The license of the establishment and of each
8 individual working in the establishment shall be displayed in a
9 prominent place ~~which~~ **THAT** is visible to the public at all times.
10 The license of an individual **WHO IS** working in the establishment
11 may be posted at the individual's work station.

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

15 (a) An application is submitted by the owner or manager of the
16 school.

17 (b) The application includes a drawing or diagram that
18 ~~indicates~~ **DESCRIBES** the premises to be licensed, ~~showing that the~~
19 ~~premises are fully partitioned from any other activity, business,~~
20 ~~or dwelling. The~~ **AND SHOWS THE** location of **ALL** required equipment
21 and facilities. ~~shall also be shown on the diagram.~~

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

26 (d) Provisions ~~have been~~ **ARE** made for the school to be under
27 the daily supervision of a licensed instructor who has at least 3

1 years' experience in all **OF THE** services of cosmetology being
2 taught in the school.

3 (e) The premises ~~has~~**HAVE** successfully passed an inspection by
4 the department **THAT WAS** conducted for the purpose of determining
5 whether the school ~~has met~~**MEETS** the standards set forth in this
6 article and rules promulgated by the director.

7 (2) A school of cosmetology shall fulfill all of the following
8 requirements:

9 (a) Shall maintain a course of practical training and
10 technical instruction, as outlined in the various curricula set
11 forth in rules promulgated by the director, equal to the
12 requirements for prelicensure training under this article. A school
13 of cosmetology shall teach hair care services, skin care services,
14 and manicuring services and may hold a limited license for the
15 teaching of electrology. However, a school of cosmetology ~~with~~**THAT**
16 **HAS** a license limited only to the teaching of electrology shall
17 teach only electrology and not any other cosmetology service.

18 (b) Shall possess efficient apparatus and equipment prescribed
19 in rules promulgated by the director **THAT ARE** sufficient for the
20 ready and full teaching of each subject in the curriculum.

21 (c) Shall maintain 1 ~~person~~**INDIVIDUAL WHO IS** licensed as an
22 instructor ~~,~~**AND IS** competent to impart instruction in each subject
23 of its curriculum ~~,~~for every 20 students.

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

27 (e) Shall provide for the display of the license of the school

1 of cosmetology and of each instructor working in the school in a
2 prominent place that is visible to the public at all times. A

3 **(F) SHALL DISPLAY A** sign ~~shall be displayed indicating~~ **THAT**
4 **STATES** that services are rendered by students of the school.

5 **(G) (f)** ~~At the time of the enrollment of a student, shall~~
6 furnish the student a financial contract showing the total cost and
7 all charges involved in the complete course of study. Advertising
8 matter put out by schools, when mentioning the cost of tuition or
9 related subjects, shall furnish the same financial information as
10 described in this ~~subsection.~~ **SUBDIVISION.**

11 (3) A cosmetology establishment ~~exacting~~ **THAT CHARGES** a fee
12 ~~for the teaching of~~ **TO TEACH** cosmetology or 1 or more services of
13 cosmetology is considered a school of cosmetology and is required
14 to comply with this section. A cosmetology establishment ~~conducting~~
15 **THAT CONDUCTS** an apprenticeship program without charging a fee for
16 the teaching of cosmetology shall comply with subsection (5). A
17 cosmetology establishment ~~which~~ **THAT** has successfully trained 1
18 apprentice is eligible to train additional apprentices except that
19 a cosmetology establishment shall not have more than 2 apprentices
20 at the same time.

21 (4) The department may issue a limited school of cosmetology
22 license to a school ~~teaching~~ **THAT TEACHES** only electrology. A
23 school of cosmetology whose license is limited to teaching only
24 electrology shall fulfill all of the requirements of this section,
25 except that **AN ELECTROLOGY INSTRUCTOR SHALL PROVIDE THE** daily
26 supervision of the school ~~shall be provided by an electrology~~
27 ~~instructor~~ and the curriculum offered and equipment and facilities

1 required shall be only those required for the teaching of
2 electrology.

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

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

8 (b) Keep a daily record of the attendance of each student or
9 apprentice, **PROVIDE** a copy of ~~which shall be sent~~ **THE DAILY RECORD**
10 to the department monthly, establish grades, and require a student
11 or apprentice to pass an examination before certifying to the
12 department that an individual has completed training.

13 (c) Permit a cosmetology student or apprentice to practice on
14 the public only after completing at least 350 hours of instruction
15 in the general cosmetology curriculum, including both theory and
16 practical hours. A student or apprentice in a natural hair
17 cultivation, manicuring, skin care, or electrology curriculum may
18 practice on the public only after completing at least 1/4 of the
19 hours required by the applicable curriculum, including both theory
20 and practical hours.

21 (6) The transfer of ownership or location of a school of
22 cosmetology voids the license. The filing of a new license
23 application is **REQUIRED BEFORE** a ~~predicate to the~~ change in
24 ownership or location of a school.