

# HOUSE BILL No. 4219

January 30, 1997, Introduced by Reps. Varga and Hale and referred to the Committee on Regulatory Affairs.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201, 1204, 1205, 1206, 1207, 1208, 1209, 1210, 1211, 1214, 1217, and 1218 (MCL 339.1201, 339.1204, 339.1205, 339.1206, 339.1207, 339.1208, 339.1209, 339.1210, 339.1211, 339.1214, 339.1217, and 339.1218), sections 1204, 1205, 1207, 1208, 1209, 1211, and 1214 as amended by 1988 PA 463, and by adding sections 1203a and 1203b; and to repeal acts and parts of acts.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

- 1 Sec. 1201. As used in this article:
- 2 (a) "Apprentice" means ~~a person~~ AN INDIVIDUAL engaged in
- 3 learning cosmetology in a ~~cosmetological~~ COSMETOLOGY
- 4 establishment.

1 (b) "Cosmetologist" means ~~a person~~ AN INDIVIDUAL who  
2 ~~engages in~~ RENDERS OR OFFERS TO RENDER cosmetology SERVICES.

3 (C) "COSMETOLOGY" MEANS 1 OF THE FOLLOWING SERVICES OR A  
4 COMBINATION OF THE FOLLOWING SERVICES:

5 (i) HAIR CARE SERVICES.

6 (ii) SKIN CARE SERVICES.

7 (iii) MANICURING SERVICES.

8 (iv) ELECTROLOGY.

9 (D) ~~(c) "Cosmetological"~~ "COSMETOLOGY establishment" ~~or~~  
10 ~~"school of cosmetology" is a building, or part of a building,~~  
11 ~~completely partitioned off from any other business or dwelling,~~  
12 ~~except a barbershop licensed under article 11, at which any of~~  
13 ~~the occupations regulated by this article are practiced or taught~~  
14 ~~for hire or compensation~~ MEANS THE PREMISES ON WHICH COSMETOLOGY  
15 OR 1 OR MORE OF ITS SERVICES ARE RENDERED OR ARE OFFERED TO BE  
16 RENDERED. COSMETOLOGY ESTABLISHMENT DOES NOT INCLUDE A SCHOOL OF  
17 COSMETOLOGY.

18 ~~(d) "Cosmetology" means 1 of the following practices or a~~  
19 ~~combination of the following practices: arranging, cutting,~~  
20 ~~dressng, curling, waving, cleansing, singeing, bleaching, color-~~  
21 ~~ing, or similar work upon hair with the hands, or with mechanical~~  
22 ~~or electrical apparatus or appliances, or by any means; cleans-~~  
23 ~~ing, massaging, stimulating, manipulating, exercising, beautify-~~  
24 ~~ing, or by the use of cosmetic preparations, antiseptics, tonics,~~  
25 ~~lotions, or creams, or similar work upon the scalp, neck, face,~~  
26 ~~arms, bust, or upper part of the body of a person; or the~~  
27 ~~removing of superfluous hair from the upper part of the body of a~~

1 ~~person by the use of electrolysis, depilatories, waxes, or~~  
2 ~~tweezers or manicuring the nails of a person.~~

3 (e) "Electrologist" means ~~a person who, for compensation,~~  
4 ~~removes superfluous hair from the upper part of the body of a~~  
5 ~~person by the use of the electric needle. A person may obtain a~~  
6 ~~license as an electrologist without qualifying as a~~  
7 ~~cosmetologist.~~ AN INDIVIDUAL WHO RENDERS OR OFFERS TO RENDER  
8 ELECTROLOGY.

9 (F) "ELECTROLOGY" MEANS THE PERMANENT REMOVAL OF HAIR FROM  
10 THE BODY OF AN INDIVIDUAL BY THE USE OF ELECTRICITY.

11 (G) "ESTHETICIAN" MEANS AN INDIVIDUAL WHO RENDERS OR OFFERS  
12 TO RENDER SKIN CARE SERVICES.

13 (H) "HAIR CARE SERVICES" MEANS ARRANGING, CUTTING, DRESSING,  
14 CURLING, WAVING, CLEANSING, SINGEING, BLEACHING, COLORING, BRAID-  
15 ING, PLAINTING, WEAVING, CRIMPING, TINTING, TRIMMING, STYLING,  
16 RELAXING, PERMING, STRAIGHTENING, OR SIMILAR WORK UPON THE HAIR  
17 OF THE HEAD OR A WIG THAT AN INDIVIDUAL IS WEARING.

18 (I) ~~(f)~~ "Instructor" means ~~a cosmetologist~~ AN INDIVIDUAL  
19 who teaches OR OFFERS TO TEACH 1 OR MORE COSMETOLOGY SERVICES in  
20 a school of cosmetology. ~~accredited by the department.~~

21 (J) "MANICURING SERVICES" MEANS THE CLEANSING, FILING, SHAP-  
22 ING, BUFFING, POLISHING, OR BEAUTIFYING OF THE NAILS OF THE HANDS  
23 OR FEET, AND THE CLEANSING, MASSAGING, STIMULATING, EXERCISING,  
24 OR BEAUTIFYING OF THE SKIN OF THE HANDS, ARMS, AND FEET, MANUALLY  
25 OR WITH THE USE OF TOOLS, APPLIANCES, OR COSMETIC PREPARATIONS,  
26 INCLUDING THE REPAIR OF NAILS, OR THE CREATION OR DECORATION OF  
27 ARTIFICIAL NAILS. MANICURING SERVICES DO NOT INCLUDE THE

1 PRACTICE OF PODIATRIC MEDICINE AND SURGERY AS DEFINED IN SECTION  
2 18001 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.18001.

3 (K) ~~(g)~~ "Manicurist" means ~~a person who manicures the~~  
4 ~~nails of a person. A person may obtain a license as a manicurist~~  
5 ~~without qualifying as a cosmetologist.~~ AN INDIVIDUAL WHO RENDERS  
6 OR OFFERS TO RENDER MANICURING SERVICES.

7 (l) ~~(h)~~ "Owner" means a person who ~~conducts or~~ owns and  
8 conducts a ~~cosmetological~~ COSMETOLOGY establishment or a school  
9 of cosmetology.

10 (M) "SCHOOL OF COSMETOLOGY" MEANS THE PREMISES WHERE COSME-  
11 TOLOGY OR 1 OR MORE OF ITS SERVICES ARE TAUGHT.

12 (N) "SKIN CARE SERVICES" INCLUDES THE FOLLOWING SERVICES OR  
13 COMBINATION OF SERVICES:

14 (i) BEAUTIFYING THE SKIN OF THE BODY OF AN INDIVIDUAL BY THE  
15 USE OF COSMETIC PREPARATIONS, ANTISEPTICS, TONICS, LOTIONS, OR  
16 CREAMS, INCLUDING BODY WRAPPING.

17 (ii) CLEANSING OR STIMULATING THE SKIN OF THE BODY BY THE  
18 USE OF THE HANDS, DEVICES, APPARATUS, OR APPLIANCES, WITH OR  
19 WITHOUT THE USE OF COSMETIC PREPARATIONS, ANTISEPTICS, TONICS,  
20 LOTIONS, OR CREAMS.

21 (iii) THE TEMPORARY REMOVAL OF HAIR FROM THE BODY OF AN  
22 INDIVIDUAL BY THE USE OF DEPILATORIES, WAXES, RAZORS, SCISSORS,  
23 CLIPPERS, OR TWEEZERS.

24 (iv) GIVING FACIALS, APPLYING REMOVABLE MAKEUP, APPLYING  
25 EYELASHES, OR ANY OTHER APPLICATION OF A PREPARATION OR BEAUTY  
26 ENHANCEMENT TO THE BODY OF AN INDIVIDUAL BUT DOES NOT INCLUDE  
27 APPLYING PERMANENT MAKEUP OR THE USE OF TANNING EQUIPMENT.

1       (0) ~~(i)~~ "Student" means ~~a person at least 16 years of~~  
2 ~~age~~ AN INDIVIDUAL engaged in learning cosmetology OR 1 OR MORE  
3 OF ITS SERVICES in a school of cosmetology. ~~The minimum age~~  
4 ~~requirement shall not apply to a student enrolled in a program~~  
5 ~~offered as a part of the regular curriculum of a public school~~  
6 ~~and approved by the superintendent of public instruction.~~

7       SEC. 1203A. (1) AN INDIVIDUAL SHALL NOT RENDER ANY FORM OF  
8 COSMETOLOGY SERVICES, WITH OR WITHOUT COMPENSATION, ON ANY INDI-  
9 VIDUAL OTHER THAN A MEMBER OF HIS OR HER IMMEDIATE FAMILY WITHOUT  
10 A LICENSE UNDER THIS ARTICLE. HOWEVER, THIS ARTICLE DOES NOT  
11 APPLY TO AN INDIVIDUAL, PERSON, OR PREMISES LICENSED UNDER ARTI-  
12 CLE 11 WHILE RENDERING THE SERVICES OF A BARBER.

13       (2) AN INDIVIDUAL LICENSED AS A COSMETOLOGIST UNDER THIS  
14 ARTICLE MAY RENDER HAIR CARE SERVICES, SKIN CARE SERVICES, AND  
15 MANICURING SERVICES AS PART OF THE PRACTICE OF COSMETOLOGY, BUT  
16 SHALL NOT RENDER ELECTROLOGY WITHOUT BEING LICENSED AS AN  
17 ELECTROLOGIST.

18       (3) THE DEPARTMENT MAY LICENSE AN INDIVIDUAL TO RENDER MANI-  
19 CURING SERVICES OR SKIN CARE SERVICES IN ACCORDANCE WITH HIS OR  
20 HER TRAINING. AN INDIVIDUAL LICENSED AS A MANICURIST OR ESTHETI-  
21 CIAN SHALL ONLY RENDER THAT PARTICULAR SERVICE AND SHALL NOT  
22 RENDER ANY OTHER COSMETOLOGY SERVICE WITHOUT BEING LICENSED FOR  
23 THAT SERVICE. AN INDIVIDUAL LICENSED AS A MANICURIST OR ESTHETI-  
24 CIAN SHALL NOT RENDER ELECTROLOGY WITHOUT BEING LICENSED AS AN  
25 ELECTROLOGIST.

26       (4) AN INDIVIDUAL LICENSED AS AN ELECTROLOGIST SHALL RENDER  
27 ONLY ELECTROLOGY SERVICES AND SHALL NOT RENDER ANY OTHER

1 COSMETOLOGY SERVICE WITHOUT SEPARATELY BEING LICENSED TO RENDER  
2 THOSE SERVICES.

3 SEC. 1203B. A PERSON SHALL NOT CONDUCT OR OPERATE A COSME-  
4 TOLOGY ESTABLISHMENT OR SCHOOL OF COSMETOLOGY WITHOUT A LICENSE  
5 ISSUED UNDER THIS ARTICLE.

6 Sec. 1204. (1) ~~A person desiring to operate a cosmetolo-~~  
7 ~~gical establishment shall make application to the department for~~  
8 ~~a license. The cosmetological~~ THE DEPARTMENT SHALL ISSUE A  
9 LICENSE TO A PERSON FOR THE OPERATION OF A COSMETOLOGY ESTABLISH-  
10 MENT IF ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

11 (A) AN APPLICATION IS SUBMITTED BY THE OWNERS OR MANAGERS OF  
12 THE ESTABLISHMENT.

13 (B) THE APPLICATION INCLUDES A DRAWING OR DIAGRAM INDICATING  
14 THE PREMISES TO BE LICENSED AND THE LOCATION OF REQUIRED EQUIP-  
15 MENT AND FACILITIES.

16 (C) THE PREMISES HAS SATISFACTORILY PASSED AN INSPECTION  
17 CONDUCTED BY THE DEPARTMENT FOR THE PURPOSE OF DETERMINING  
18 WHETHER THE ESTABLISHMENT HAS MET SANITATION AND EQUIPMENT STAN-  
19 DARDS PRESCRIBED IN RULES PROMULGATED BY THE DIRECTOR.

20 (D) EXCEPT AS PROVIDED IN SUBSECTION (3), THE COSMETOLOGY  
21 establishment shall be under the daily attendance and supervision  
22 of a licensed cosmetologist who is not less than 18 years of age  
23 and has had not less than 1 year's practical experience ~~in all~~  
24 ~~practices of~~ IN cosmetology. ~~A cosmetological establishment~~  
25 ~~shall not have more than 2 apprentices at the same time.~~

26 (2) A ~~cosmetological~~ COSMETOLOGY establishment shall be  
27 completely separated by full partitions and doors from ~~every~~

1 ~~other activity, business, or~~ A dwelling ~~, except a barbershop~~  
2 ~~licensed under article 11 or an area in which the sale of cloth-~~  
3 ~~ing and accessories is made~~ OR A SCHOOL OF COSMETOLOGY AND SHALL  
4 NOT BE OCCUPIED FOR LODGING OR RESIDENTIAL PURPOSES.

5 (3) THE DEPARTMENT MAY ISSUE A LIMITED COSMETOLOGY ESTAB-  
6 LISHMENT LICENSE TO A PERSON WHO SEEKS TO PERFORM ONLY 1 OR MORE  
7 SERVICES OF COSMETOLOGY ON THE PREMISES. IF THE ESTABLISHMENT  
8 LICENSE IS LIMITED TO ONLY MANICURING SERVICES OR SKIN CARE SERV-  
9 ICES, THE SUPERVISING LICENSEE MAY BE AN INDIVIDUAL LICENSED ONLY  
10 IN THAT SERVICE. A LICENSED COSMETOLOGIST WORKING IN A LIMITED  
11 LICENSED COSMETOLOGY ESTABLISHMENT SHALL NOT PERFORM COSMETOLOGY  
12 SERVICES FOR WHICH THE PREMISES ARE NOT LICENSED. IF THE COSME-  
13 TOLOGY ESTABLISHMENT LICENSE IS LIMITED TO ELECTROLOGY, THE  
14 SUPERVISING LICENSEE SHALL BE A LICENSED ELECTROLOGIST WITH 1  
15 YEAR OF EXPERIENCE IN ELECTROLOGY. A LICENSED COSMETOLOGIST  
16 SHALL NOT SUPERVISE A COSMETOLOGY ESTABLISHMENT WHOSE COSMETOLOGY  
17 LICENSE IS LIMITED TO RENDERING ELECTROLOGY UNLESS THE COSMETOLO-  
18 GIST IS LICENSED AS AN ELECTROLOGIST.

19 (4) THE DEPARTMENT MAY GRANT A TEMPORARY ESTABLISHMENT  
20 LICENSE TO A PERSON WHO HAS FULFILLED ALL LICENSURE REQUIREMENTS  
21 EXCEPT FOR THE COMPLETION OF THE INSPECTION.

22 (5) THE TRANSFER OF OWNERSHIP OR LOCATION OF A COSMETOLOGY  
23 ESTABLISHMENT VOIDS THE LICENSE. THE FILING OF A NEW LICENSE  
24 APPLICATION IS A PREDICATE TO THE CHANGE IN OWNERSHIP OR LOCATION  
25 OF AN ESTABLISHMENT.

26 (6) THE LICENSE OF THE ESTABLISHMENT AND OF EACH INDIVIDUAL  
27 WORKING IN THE ESTABLISHMENT SHALL BE DISPLAYED IN A PROMINENT

1 PLACE WHICH IS VISIBLE TO THE PUBLIC AT ALL TIMES. THE LICENSE  
2 OF AN INDIVIDUAL WORKING IN THE ESTABLISHMENT MAY BE POSTED AT  
3 THE INDIVIDUAL'S WORK STATION.

4 Sec. 1205. (1) ~~A person desiring to conduct a school of~~  
5 ~~cosmetology, shall make application to the department for a~~  
6 ~~license. A school of cosmetology shall be completely separated~~  
7 ~~by a full partition and door from every other activity, business,~~  
8 ~~or dwelling.~~ THE DEPARTMENT SHALL ISSUE A LICENSE TO A PERSON  
9 FOR THE OPERATION OF A SCHOOL OF COSMETOLOGY IF ALL OF THE FOL-  
10 LOWING REQUIREMENTS ARE MET:

11 (A) AN APPLICATION IS SUBMITTED BY THE OWNER, IDENTIFYING  
12 THE OWNERS AND MANAGERS OF THE SCHOOL.

13 (B) THE APPLICATION INCLUDES A DRAWING OR DIAGRAM THAT INDI-  
14 CATES THE PREMISES TO BE LICENSED, SHOWING THAT THE PREMISES ARE  
15 FULLY PARTITIONED FROM ANY OTHER ACTIVITY, BUSINESS, OR  
16 DWELLING. THE LOCATION OF REQUIRED EQUIPMENT AND FACILITIES  
17 SHALL ALSO BE SHOWN ON THE DIAGRAM.

18 (C) A CASH OR SURETY BOND OF \$10,000.00 HAS BEEN FURNISHED  
19 IN FAVOR OF THE PEOPLE OF THIS STATE FOR THE USE AND BENEFIT OF  
20 STUDENTS AND CONDITIONED UPON THE FAITHFUL PERFORMANCE AND SATIS-  
21 FACTION OF THE CONTRACTUAL RIGHTS OF STUDENTS.

22 (D) PROVISIONS HAVE BEEN MADE FOR THE SCHOOL TO BE UNDER THE  
23 DAILY SUPERVISION OF A LICENSED INSTRUCTOR WHO HAS AT LEAST 3  
24 YEARS' EXPERIENCE IN ALL SERVICES OF COSMETOLOGY BEING TAUGHT IN  
25 THE SCHOOL.

26 (E) THE PREMISES HAS SUCCESSFULLY PASSED AN INSPECTION BY  
27 THE DEPARTMENT CONDUCTED FOR THE PURPOSE OF DETERMINING WHETHER



1 THE SCHOOL HAS MET THE STANDARDS SET FORTH IN THIS ARTICLE AND  
2 RULES PROMULGATED BY THE DIRECTOR.

3 ~~-(2) A school of cosmetology shall be in the charge of and~~  
4 ~~under the supervision and daily attendance of an individual who~~  
5 ~~meets all of the following criteria:~~

6 ~~(a) Is licensed as an instructor who has had at least 3~~  
7 ~~years' practical experience in all practices of cosmetology in a~~  
8 ~~licensed cosmetological establishment or at least 1 year's prac-~~  
9 ~~tical experience in all practices of cosmetology in a licensed~~  
10 ~~cosmetological establishment, and at least 2 years' practical~~  
11 ~~experience in teaching all practices of cosmetology.~~

12 ~~(b) Is a licensed cosmetologist with not less than 500 hours~~  
13 ~~of instructor training.~~

14 ~~(c) Has a high school diploma or its equivalent.~~

15 ~~(d) Has passed an examination approved by the department and~~  
16 ~~the board.~~

17 ~~(e) Is of good moral character.~~

18 (2) ~~-(3)-~~ A school of cosmetology shall fulfill all of the  
19 following requirements:

20 (a) ~~It shall~~ SHALL maintain a ~~school term of not less~~  
21 ~~than 1,500 hours, extending over a period of 10 consecutive~~  
22 ~~months, and shall maintain a~~ course of practical training and  
23 technical instruction, as outlined in the ~~department approved~~  
24 ~~curriculum~~ VARIOUS CURRICULA SET FORTH IN RULES PROMULGATED BY  
25 THE DIRECTOR, equal to the requirements for ~~examination for a~~  
26 ~~license as a cosmetologist as set forth in section 1207-~~

27 PRELICENSURE TRAINING UNDER THIS ARTICLE. A SCHOOL OF

1 COSMETOLOGY SHALL TEACH HAIR CARE SERVICES, SKIN CARE SERVICES,  
2 AND MANICURING SERVICES AND MAY HOLD A LIMITED LICENSE FOR THE  
3 TEACHING OF ELECTROLOGY. HOWEVER, A SCHOOL OF COSMETOLOGY WITH A  
4 LICENSE LIMITED ONLY TO THE TEACHING OF ELECTROLOGY SHALL TEACH  
5 ONLY ELECTROLOGY AND NOT ANY OTHER COSMETOLOGY SERVICE.

6 (b) ~~It shall~~ SHALL possess efficient apparatus and equip-  
7 ment prescribed IN RULES PROMULGATED by the ~~department and the~~  
8 ~~board~~ DIRECTOR sufficient for the ready and full teaching of  
9 each subject in the curriculum. ~~approved by the department and~~  
10 ~~the board.~~

11 (c) ~~It shall~~ SHALL maintain 1 person licensed as an  
12 instructor, ~~for every 20 enrolled students,~~ competent to impart  
13 instruction in each subject of its curriculum, FOR EVERY 20  
14 STUDENTS. ~~The department shall license as an instructor an~~  
15 ~~individual who passes an examination prescribed by the board and~~  
16 ~~department. The instructor shall not be in charge of or super-~~  
17 ~~wise a school unless the instructor meets the experience require-~~  
18 ~~ment described in this section.~~

19 (d) ~~It shall keep a daily record of the attendance of each~~  
20 ~~student, a copy of which shall be sent to the department monthly,~~  
21 ~~establish grades, and hold an examination before issuing a~~  
22 ~~diploma.~~

23 (D) ~~(e) It shall~~ SHALL be operated for teaching purposes  
24 only and ~~a student~~ shall not ~~practice on the public until~~  
25 ~~having completed at least 350 hours of instruction in the cosme-~~  
26 ~~tology curriculum~~ BE USED FOR RESIDENTIAL OR SLEEPING PURPOSES.

1 INSTRUCTORS SHALL PRACTICE ON THE PUBLIC ONLY TO DEMONSTRATE  
2 TECHNIQUES TO STUDENTS AND TO CORRECT THE WORK OF STUDENTS.

3 ~~-(f) A student shall not be in attendance at a school more~~  
4 ~~than 7 hours per day or more than 40 hours per week.~~

5 ~~-(4) A school of cosmetology shall furnish a bond of~~  
6 ~~\$10,000.00 in favor of the people of the state, for the use and~~  
7 ~~benefit of students and conditioned upon the faithful performance~~  
8 ~~and satisfaction of the contractual rights of students.~~

9 (E) SHALL PROVIDE FOR THE DISPLAY OF THE LICENSE OF THE  
10 SCHOOL OF COSMETOLOGY AND OF EACH INSTRUCTOR WORKING IN THE  
11 SCHOOL IN A PROMINENT PLACE WHICH IS VISIBLE TO THE PUBLIC AT ALL  
12 TIMES. A SIGN SHALL BE DISPLAYED INDICATING THAT SERVICES ARE  
13 RENDERED BY STUDENTS OF THE SCHOOL.

14 (F) ~~-(5) A school of cosmetology, at~~ AT the time of the  
15 enrollment of a student, shall furnish the student a financial  
16 contract showing the total cost and all charges involved in the  
17 complete course of study. Advertising matter put out by schools,  
18 when mentioning the cost of tuition or related subjects, shall  
19 furnish the same financial ~~statement~~ INFORMATION as described  
20 in this subsection.

21 (3) ~~-(6) A cosmetological~~ COSMETOLOGY establishment  
22 exacting a fee for the teaching of cosmetology ~~shall be classed~~  
23 ~~as~~ OR 1 OR MORE SERVICES OF COSMETOLOGY IS CONSIDERED a school  
24 of cosmetology and ~~shall be~~ IS required to comply with this  
25 section. A COSMETOLOGY ESTABLISHMENT CONDUCTING AN APPRENTICE-  
26 SHIP PROGRAM WITHOUT CHARGING A FEE FOR THE TEACHING OF  
27 COSMETOLOGY SHALL COMPLY WITH SUBSECTION (5). A COSMETOLOGY

1 ESTABLISHMENT WHICH HAS SUCCESSFULLY TRAINED 1 APPRENTICE IS  
2 ELIGIBLE TO TRAIN ADDITIONAL APPRENTICES EXCEPT THAT A COSMETOL-  
3 OGY ESTABLISHMENT SHALL NOT HAVE MORE THAN 2 APPRENTICES AT THE  
4 SAME TIME.

5 (4) THE DEPARTMENT MAY ISSUE A LIMITED SCHOOL OF COSMETOLOGY  
6 LICENSE TO A SCHOOL TEACHING ONLY ELECTROLOGY. A SCHOOL OF COS-  
7 METOLOGY WHOSE LICENSE IS LIMITED TO TEACHING ONLY ELECTROLOGY  
8 SHALL FULFILL ALL OF THE REQUIREMENTS OF THIS SECTION, EXCEPT  
9 THAT DAILY SUPERVISION OF THE SCHOOL SHALL BE PROVIDED BY AN  
10 ELECTROLOGY INSTRUCTOR AND THE CURRICULUM OFFERED AND EQUIPMENT  
11 AND FACILITIES REQUIRED SHALL BE ONLY THOSE REQUIRED FOR THE  
12 TEACHING OF ELECTROLOGY.

13 (5) A SCHOOL OF COSMETOLOGY OR A COSMETOLOGY ESTABLISHMENT  
14 CONDUCTING AN APPRENTICESHIP PROGRAM SHALL COMPLY WITH ALL OF THE  
15 FOLLOWING REQUIREMENTS:

16 (A) REQUIRE THAT A STUDENT OR APPRENTICE BE IN ATTENDANCE  
17 NOT MORE THAN 7 HOURS PER DAY OR NOT MORE THAN 40 HOURS PER  
18 WEEK.

19 (B) KEEP A DAILY RECORD OF THE ATTENDANCE OF EACH STUDENT OR  
20 APPRENTICE, A COPY OF WHICH SHALL BE SENT TO THE DEPARTMENT  
21 MONTHLY, ESTABLISH GRADES, AND REQUIRE A STUDENT OR APPRENTICE TO  
22 PASS AN EXAMINATION BEFORE CERTIFYING TO THE DEPARTMENT THAT AN  
23 INDIVIDUAL HAS COMPLETED TRAINING.

24 (C) PERMIT A COSMETOLOGY STUDENT OR APPRENTICE TO PRACTICE  
25 ON THE PUBLIC ONLY AFTER COMPLETING AT LEAST 350 HOURS OF  
26 INSTRUCTION IN THE GENERAL COSMETOLOGY CURRICULUM, INCLUDING BOTH  
27 THEORY AND PRACTICAL HOURS. A STUDENT OR APPRENTICE IN A

1 MANICURING, SKIN CARE, OR ELECTROLOGY CURRICULUM MAY PRACTICE ON  
2 THE PUBLIC ONLY AFTER COMPLETING AT LEAST 1/4 OF THE HOURS  
3 REQUIRED BY THE APPLICABLE CURRICULUM, INCLUDING BOTH THEORY AND  
4 PRACTICAL HOURS.

5 (6) THE TRANSFER OF OWNERSHIP OR LOCATION OF A SCHOOL OF  
6 COSMETOLOGY VOIDS THE LICENSE. THE FILING OF A NEW LICENSE  
7 APPLICATION IS A PREDICATE TO THE CHANGE IN OWNERSHIP OR LOCATION  
8 OF A SCHOOL.

9 Sec. 1206. (1) ~~An owner, or person in charge of a cosmeto-~~  
10 ~~logical establishment or school of cosmetology, shall not permit~~  
11 ~~a person to sleep in, or use for residential purposes a room~~  
12 ~~used, wholly or in part, for a school of cosmetology or a cosme-~~  
13 ~~tological establishment.~~ THE DEPARTMENT SHALL ISSUE A LICENSE AS  
14 A COSMETOLOGY INSTRUCTOR TO AN INDIVIDUAL WHO MEETS ALL OF THE  
15 FOLLOWING REQUIREMENTS:

16 (A) IS OF GOOD MORAL CHARACTER.

17 (B) HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

18 (C) IS LICENSED AS A COSMETOLOGIST UNDER THIS ARTICLE.

19 (D) HAS AT LEAST 3 YEARS OF PRACTICAL EXPERIENCE IN HAIR  
20 CARE SERVICES, SKIN CARE SERVICES, AND MANICURING SERVICES, AT  
21 LEAST 1 YEAR OF WHICH SHALL BE IN A COSMETOLOGY ESTABLISHMENT.

22 (E) HAS COMPLETED NOT LESS THAN 500 HOURS OF INSTRUCTOR  
23 TRAINING.

24 (F) HAS PASSED AN EXAMINATION APPROVED BY THE DEPARTMENT AND  
25 THE BOARD.

1 (2) THE DEPARTMENT SHALL ISSUE A LICENSE AS AN ELECTROLOGY  
2 INSTRUCTOR TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING  
3 REQUIREMENTS:

4 (A) IS OF GOOD MORAL CHARACTER.

5 (B) HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

6 (C) IS LICENSED AS AN ELECTROLOGIST UNDER THIS ARTICLE.

7 (D) HAS AT LEAST 3 YEARS OF PRACTICAL EXPERIENCE IN ELEC-  
8 TROLOGY, AT LEAST 1 YEAR OF WHICH SHALL BE IN A COSMETOLOGY  
9 ESTABLISHMENT HOLDING A LIMITED LICENSE FOR THE PRACTICE OF  
10 ELECTROLOGY.

11 (E) HAS COMPLETED NOT LESS THAN 300 HOURS OF INSTRUCTOR  
12 TRAINING.

13 (F) HAS PASSED AN EXAMINATION APPROVED BY THE DEPARTMENT AND  
14 THE BOARD.

15 (3) THE DEPARTMENT MAY ISSUE A LIMITED INSTRUCTOR'S LICENSE  
16 TO AN INDIVIDUAL WHO MEETS ALL OF THE REQUIREMENTS OF EITHER  
17 SUBSECTION (1) EXCEPT FOR SUBSECTION (1)(D) OR SUBSECTION (2)  
18 EXCEPT FOR SUBSECTION (2)(D). THE HOLDER OF A LIMITED  
19 INSTRUCTOR'S LICENSE SHALL NOT SUPERVISE A SCHOOL OF COSMETOLOGY  
20 AT ANY TIME.

21 (4) THE DEPARTMENT MAY ISSUE A LIMITED SPECIALIST  
22 INSTRUCTOR'S LICENSE TO AN INDIVIDUAL WHO MEETS ALL OF THE FOL-  
23 LOWING REQUIREMENTS:

24 (A) IS OF GOOD MORAL CHARACTER.

25 (B) HAS A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT.

26 (C) IS LICENSED AS A MANICURIST OR ESTHETICIAN.

1 (D) HAS COMPLETED NOT LESS THAN 300 HOURS OF INSTRUCTOR  
2 TRAINING.

3 (E) HAS PASSED AN EXAMINATION APPROVED BY THE DEPARTMENT AND  
4 THE BOARD.

5 (5) THE SPECIALIST INSTRUCTOR'S LICENSE SHALL LIMIT THE  
6 INSTRUCTION GIVEN BY THAT INDIVIDUAL TO ONLY THE SERVICE IN WHICH  
7 HE OR SHE IS LICENSED.

8 Sec. 1207. The department shall issue a COSMETOLOGIST  
9 license to ~~practice cosmetology to~~ an individual who fulfills  
10 all of the following requirements:

11 ~~(a) Passes an examination prescribed by the department and~~  
12 ~~the board, which examination shall include both a practical~~  
13 ~~demonstration and a written or oral test and shall not be con-~~  
14 ~~finied to a specific system or method.~~

15 ~~(b) Presents a diploma, issued to the applicant by a school~~  
16 ~~of cosmetology licensed by the department, showing that the~~  
17 ~~applicant has completed the course of study in the school pre-~~  
18 ~~scribed by the department, or furnishes proof of having completed~~  
19 ~~the required time in a licensed school of cosmetology as pre-~~  
20 ~~scribed by the department.~~

21 (A) ~~(c)~~ Is ~~at least~~ NOT LESS THAN 17 years of age.

22 (B) ~~(d)~~ Is of good moral character.

23 (C) ~~(e)~~ Has had an education equivalent to the completion  
24 of the ninth grade. ~~of public school.~~

25 (D) ~~(f)~~ Has ~~had training of at least 1,500 hours extend-~~  
26 ~~ing over a period of at least 10 months~~ COMPLETED EITHER NOT  
27 LESS THAN A 1,500-HOUR COURSE OF STUDY in a LICENSED school of

1 cosmetology ~~approved by the department,~~ or has served ~~at least~~  
2 ~~2 years~~ as an apprentice FOR NOT LESS THAN 2 YEARS in a licensed  
3 ~~cosmetological~~ COSMETOLOGY establishment in which ~~cosmetology~~  
4 ~~is practiced~~ HAIR CARE SERVICES, SKIN CARE SERVICES, AND MANI-  
5 CURING SERVICES ARE OFFERED. THE TRAINING SHALL INCLUDE A MINI-  
6 MUM NUMBER OF PRACTICAL APPLICATIONS AS PRESCRIBED IN RULES  
7 PROMULGATED BY THE DIRECTOR.

8 (E) HAS PASSED AN EXAMINATION PRESCRIBED BY THE DEPARTMENT  
9 AND THE BOARD.

10 Sec. 1208. The department shall ~~admit to examination for~~  
11 ISSUE a license as an electrologist ~~,~~ TO an individual who ~~has~~  
12 ~~made application to the department,~~ is FULFILLS ALL OF THE  
13 FOLLOWING:

14 (A) IS not less than 18 years of age. ~~,~~ ~~is~~

15 (B) Is of good moral character. ~~,~~ ~~and has had a minimum~~  
16 ~~training of 300 hours under the immediate supervision of a~~  
17 ~~licensed electrologist in a school of cosmetology~~

18 (C) HAS HAD AN EDUCATION EQUIVALENT TO THE COMPLETION OF THE  
19 NINTH GRADE.

20 (D) HAS COMPLETED NOT LESS THAN 400 HOURS OF TRAINING IN A  
21 LICENSED SCHOOL OF COSMETOLOGY in which the practice is taught or  
22 has studied ~~under a licensed electrologist who has had at least~~  
23 ~~3 years' practical experience as an electrologist for a period of~~  
24 ~~12 months~~ FOR NOT LESS THAN 6 MONTHS AS AN APPRENTICE IN A  
25 LICENSED COSMETOLOGY ESTABLISHMENT WHERE ELECTROLOGY SERVICES ARE  
26 OFFERED. THE TRAINING SHALL INCLUDE A MINIMUM NUMBER OF PRACTICAL  
27 APPLICATIONS AS PRESCRIBED IN RULES PROMULGATED BY THE DIRECTOR.



1 (E) HAS PASSED AN EXAMINATION PRESCRIBED BY THE BOARD AND  
2 THE DEPARTMENT.

3 Sec. 1209. The department shall ~~admit to examination for~~  
4 ISSUE a license as a manicurist ~~,~~ TO an individual who ~~has~~  
5 ~~made an application to the department, is~~ FULFILLS ALL OF THE  
6 FOLLOWING:

7 (A) IS at least 17 years of age. ~~,~~ ~~is~~

8 (B) IS of good moral character. ~~,~~ ~~and has had a minimum~~  
9 ~~training of 300 hours under the supervision of a licensed mani-~~  
10 ~~curist, or a licensed cosmetologist~~

11 (C) HAS HAD AN EDUCATION EQUIVALENT TO THE COMPLETION OF THE  
12 NINTH GRADE.

13 (D) HAS COMPLETED NOT LESS THAN 400 HOURS OF TRAINING EITHER  
14 in a licensed school of cosmetology ~~,~~ or ~~shall have spent at~~  
15 ~~least~~ AS AN APPRENTICE FOR NOT LESS THAN 6 months in a licensed  
16 ~~cosmetological~~ COSMETOLOGY establishment where ~~the subject~~  
17 MANICURING is practiced. THE TRAINING SHALL INCLUDE A MINIMUM  
18 NUMBER OF PRACTICAL APPLICATIONS AS PRESCRIBED IN RULES PROMUL-  
19 GATED BY THE DIRECTOR.

20 (E) HAS PASSED AN EXAMINATION PRESCRIBED BY THE BOARD AND  
21 THE DEPARTMENT.

22 Sec. 1210. (1) ~~An application for admission to examina-~~  
23 ~~tion, and an application for licensure as a cosmetologist, elec-~~  
24 ~~trologist, or manicurist shall be in writing on a blank prepared~~  
25 ~~and furnished by the department. An application shall contain~~  
26 ~~proof of the qualifications of the applicant for examination as~~  
27 ~~provided in this article, and shall be verified by the oath of~~

1 ~~the applicant.~~ THE DEPARTMENT SHALL ISSUE A LICENSE AS AN  
2 ESTHETICIAN TO AN INDIVIDUAL WHO FULFILLS ALL OF THE FOLLOWING  
3 REQUIREMENTS:

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

5 (B) IS OF GOOD MORAL CHARACTER.

6 (C) HAS HAD AN EDUCATION EQUIVALENT TO THE COMPLETION OF THE  
7 NINTH GRADE.

8 (D) HAS COMPLETED NOT LESS THAN 400 HOURS OF TRAINING EITHER  
9 IN A LICENSED SCHOOL OF COSMETOLOGY OR AS AN APPRENTICE FOR NOT  
10 LESS THAN 6 MONTHS IN A LICENSED COSMETOLOGY ESTABLISHMENT WHERE  
11 SKIN CARE SERVICES ARE RENDERED. THE TRAINING SHALL INCLUDE A  
12 MINIMUM NUMBER OF PRACTICAL APPLICATIONS AS PRESCRIBED IN RULES  
13 PROMULGATED BY THE DIRECTOR.

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

16 (2) UNTIL DECEMBER 31, 1999, THE DEPARTMENT SHALL ISSUE A  
17 LICENSE AS AN ESTHETICIAN TO AN INDIVIDUAL WHO FULFILLS ALL OF  
18 THE FOLLOWING REQUIREMENTS:

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

20 (B) IS OF GOOD MORAL CHARACTER.

21 (C) HAS HAD AN EDUCATION EQUIVALENT TO THE COMPLETION OF THE  
22 NINTH GRADE.

23 (D) PROVIDES EVIDENCE OF HAVING BEEN TRAINED IN SKIN CARE  
24 SERVICES IN THIS OR ANY OTHER STATE PRIOR TO JANUARY 1, 1997.

25 (E) HAS PASSED AN EXAMINATION PRESCRIBED BY THE BOARD AND  
26 THE DEPARTMENT.

1           Sec. 1211. (1) Upon SUBMISSION OF an application to the  
2 department, an individual licensed ~~as a cosmetologist~~ TO  
3 PERFORM COSMETOLOGY SERVICES under the laws of another state  
4 shall, without examination, be granted a license to practice the  
5 ~~occupation in~~ SERVICES FOR which that individual was previously  
6 licensed if the applicant is not less than 17 years of age, is of  
7 good moral character, and the requirements for registration or  
8 licensure ~~as a cosmetologist~~ in the particular state were sub-  
9 stantially equal to the requirements then in force in this  
10 state.

11           (2) Years or months of experience ~~as a licensed cosmetolo-~~  
12 ~~gist, electrologist, or manicurist~~ may be substituted for hours  
13 of training in a ratio of 100 hours of training credited for each  
14 6 months of experience. An individual applying for licensure  
15 having qualifications acquired outside of the United States shall  
16 provide proof of training or experience, or both. ~~, as a~~  
17 ~~cosmetologist.~~ The department may determine whether or not an  
18 applicant is qualified to be ~~admitted for~~ LICENSED WITHOUT  
19 examination. ~~for licensure.~~

20           Sec. 1214. (1) A school of cosmetology UPON ENROLLING A  
21 STUDENT or ~~an~~ A COSMETOLOGY establishment ~~of cosmetology~~ upon  
22 ~~enrolling a student or~~ ACCEPTING AN apprentice shall file an  
23 application with the department and shall obtain proof of at  
24 least a ninth grade education or the equivalent of a ninth grade  
25 education. The application and proof of education shall be kept  
26 on file until the student or apprentice ~~makes application~~

1 APPLIES for examination to obtain a license. ~~as a~~  
2 ~~cosmetologist.~~

3 (2) The ninth grade education requirement ~~shall~~ DOES not  
4 apply to a student enrolling in a program offered as a part of  
5 the regular curriculum of a public school and approved by the  
6 state board of education.

7 Sec. 1217. A licensee ~~shall be~~ WHO COMMITS OR HAS COMMIT-  
8 TED 1 OR MORE OF THE FOLLOWING IS subject to the penalties set  
9 forth in article 6: ~~who commits or has committed 1 of the~~  
10 ~~following:~~

11 (a) Continued practice by a person knowingly having an  
12 infectious or contagious disease.

13 (b) Practicing cosmetology on the public outside of a  
14 licensed ~~cosmetological~~ COSMETOLOGY establishment or school of  
15 cosmetology. HOWEVER, A LICENSED COSMETOLOGIST MAY SERVE A  
16 PATRON IN PREMISES NOT LICENSED AS A COSMETOLOGY ESTABLISHMENT  
17 PROVIDED THAT THE SERVICES RENDERED INVOLVE A SPECIAL EVENT IN  
18 WHICH THE COSMETOLOGY SERVICE IS REQUIRED TO BE PERFORMED FOR AN  
19 ON-SITE PARTICIPANT OF THE EVENT.

20 (c) Contracting with, being employed by, or being provided  
21 space or leasing space from a hospital, nursing home, convales-  
22 cent home, or similar facility for the purpose of practicing cos-  
23 metology, without a ~~cosmetological~~ COSMETOLOGY establishment  
24 license. However, a licensed cosmetologist may practice on a  
25 patient in a hospital, nursing home, convalescent home, or simi-  
26 lar facility, or on a person requiring home care because of an  
27 illness or infirmity.

1           Sec. 1218. (1) ~~Each cosmetological~~ THE DEPARTMENT SHALL  
2 INSPECT EACH COSMETOLOGY establishment ~~shall be inspected~~ at  
3 least once annually. ~~and~~ THE DEPARTMENT SHALL INSPECT each  
4 school of cosmetology ~~shall be inspected~~ OR COSMETOLOGY ESTAB-  
5 LISHMENT TRAINING APPRENTICES at least twice annually.

6           (2) A ~~board member or an inspector or investigator from~~  
7 REPRESENTATIVE OF the department ~~may~~ SHALL BE ALLOWED TO enter  
8 and inspect, during regular business hours, a ~~cosmetological~~  
9 COSMETOLOGY establishment or school of cosmetology to ~~ascertain~~  
10 ~~that~~ DETERMINE WHETHER the licensee is conforming ~~with~~ TO this  
11 article and the rules promulgated under this article.

12           (3) A REPRESENTATIVE OF THE DEPARTMENT, WHEN INSPECTING A  
13 COSMETOLOGY ESTABLISHMENT OR SCHOOL OF COSMETOLOGY, MAY REQUIRE  
14 AN INDIVIDUAL WORKING IN THE ESTABLISHMENT OR SCHOOL TO PRESENT  
15 IDENTIFICATION IN ORDER TO SUBSTANTIATE HIS OR HER IDENTITY AS  
16 THE HOLDER OF A POSTED LICENSE.

17           Enacting section 1. Section 1216 of the occupational code,  
18 1980 PA 299, MCL 339.1216, is repealed.

19           Enacting section 2. This amendatory act does not take  
20 effect unless Senate Bill No. \_\_\_\_\_ or House Bill No. \_\_\_\_\_  
21 (request no. 01792'97 a) of the 89th Legislature is enacted into  
22 law.