

SUBSTITUTE FOR
SENATE BILL NO. 751

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 1203a (MCL 339.1203a), as added by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1203a. (1) ~~An~~ **SUBJECT TO SUBSECTION (5), AN** individual
2 shall not ~~render~~ **PERFORM** any form of cosmetology services, with or
3 without compensation, on any individual other than a member of his
4 or her immediate family without a license under this article.

5 However, this article does not apply to an individual, person, or
6 premises **THAT IS** licensed under article 11 while ~~rendering~~
7 **PERFORMING** the services of a barber.

8 (2) An individual **WHO IS** licensed as a cosmetologist under
9 this article may ~~render~~ **PERFORM** hair care services, skin care
10 services, natural hair cultivation, and manicuring services as part

1 of the practice of cosmetology, but shall not ~~render~~ **PERFORM**
2 electrology ~~without being~~ **UNLESS HE OR SHE IS** licensed as an
3 electrologist.

4 (3) The department may license an individual to ~~render~~ **PERFORM**
5 manicuring services, natural hair cultivation, or skin care
6 services in accordance with his or her training. An individual **WHO**
7 **IS** licensed as a manicurist, natural hair culturist, or esthetician
8 shall only ~~render~~ **PERFORM** that particular service and shall not
9 ~~render~~ **PERFORM** any other cosmetology service ~~without being~~ **UNLESS**
10 **HE OR SHE IS** licensed for that service. An individual **WHO IS**
11 licensed as a manicurist, natural hair culturist, or esthetician
12 shall not ~~render~~ **PERFORM** electrology ~~without being~~ **UNLESS HE OR SHE**
13 **IS** licensed as an electrologist.

14 (4) An individual **WHO IS** licensed as an electrologist shall
15 ~~render only~~ **PERFORM** electrology services and shall not ~~render~~
16 **PERFORM** any other cosmetology service ~~without separately being~~
17 **UNLESS HE OR SHE IS SEPARATELY** licensed to ~~render~~ **PERFORM** those
18 services.

19 (5) **AN INDIVIDUAL WHO IS A COSMETOLOGY STUDENT MAY PERFORM**
20 **SHAMPOO SERVICES IN A COSMETOLOGY ESTABLISHMENT ON MEMBERS OF THE**
21 **PUBLIC WITHOUT A LICENSE UNDER THIS ARTICLE IF ALL OF THE FOLLOWING**
22 **ARE MET AT THE TIME THE INDIVIDUAL PERFORMS THE SHAMPOOING**
23 **SERVICES:**

24 (A) **EXCEPT AS PROVIDED IN SUBSECTION (6), HE OR SHE IS**
25 **ENROLLED IN A SCHOOL OF COSMETOLOGY.**

26 (B) **HE OR SHE HAS COMPLETED AT LEAST THE 350 HOURS OF**
27 **INSTRUCTION IN THE SCHOOL'S GENERAL COSMETOLOGY CURRICULUM THAT IS**

1 REQUIRED UNDER SECTION 1205(5)(C). THE INSTRUCTION MUST INCLUDE AT
2 LEAST THE MINIMUM NUMBER OF PRACTICAL APPLICATIONS ESTABLISHED BY
3 THE DIRECTOR BY RULE.

4 (C) THE COSMETOLOGY ESTABLISHMENT THAT IS EMPLOYING THE
5 INDIVIDUAL TO PERFORM SHAMPOO SERVICES HAS RECEIVED WRITTEN
6 VERIFICATION FROM THE SCHOOL OF COSMETOLOGY THE INDIVIDUAL ATTENDS,
7 IN THE FORM OF A LETTER ON THE SCHOOL'S LETTERHEAD, DATED AND
8 SIGNED BY THE DIRECTOR OR MANAGER OF THAT SCHOOL, THAT STATES ALL
9 OF THE FOLLOWING:

10 (i) THE INDIVIDUAL'S FULL NAME.

11 (ii) THAT THE INDIVIDUAL IS CURRENTLY ENROLLED IN THE SCHOOL.

12 (iii) THAT THE INDIVIDUAL MEETS THE REQUIREMENTS DESCRIBED IN
13 SUBDIVISION (B).

14 (iv) HIS OR HER EXPECTED GRADUATION DATE.

15 (6) AN INDIVIDUAL WHO IS PERFORMING SHAMPOOING SERVICES UNDER
16 SUBSECTION (5) WITHOUT A LICENSE UNDER THIS ARTICLE MAY CONTINUE TO
17 PERFORM THOSE SERVICES AT THE COSMETOLOGY ESTABLISHMENT WITHOUT A
18 LICENSE FOR A PERIOD OF 30 DAYS AFTER THE DATE THE INDIVIDUAL IS
19 SCHEDULED TO GRADUATE FROM THE SCHOOL OF COSMETOLOGY.

20 (7) A COSMETOLOGY ESTABLISHMENT THAT EMPLOYS A COSMETOLOGY
21 STUDENT TO PERFORM SHAMPOO SERVICES UNDER SUBSECTION (5) MUST DO
22 ALL OF THE FOLLOWING:

23 (A) MAINTAIN RECORDS OF THE STUDENT'S EMPLOYMENT AND KEEP THE
24 RECORDS ON FILE FOR AT LEAST 3 YEARS AFTER THE END OF THE
25 EMPLOYMENT RELATIONSHIP. THE RECORDS MUST INCLUDE THE VERIFICATION
26 LETTER DESCRIBED IN SUBSECTION (5)(C).

27 (B) ALLOW THE DEPARTMENT ACCESS TO THE RECORDS DESCRIBED IN

1 SUBDIVISION (A).

2 (C) ENSURE THAT THE STUDENT DOES NOT PERFORM COSMETOLOGY
3 SERVICES OTHER THAN SHAMPOO SERVICES WHILE EMPLOYED BY THE
4 ESTABLISHMENT.

5 (D) ENSURE THAT A LICENSED COSMETOLOGIST IS PRESENT IN THE
6 ESTABLISHMENT WHEN THE STUDENT IS PERFORMING SHAMPOO SERVICES.

7 (8) A SCHOOL OF COSMETOLOGY THAT PROVIDES A VERIFICATION
8 LETTER DESCRIBED IN SUBSECTION (5)(C) TO A COSMETOLOGY
9 ESTABLISHMENT MUST RETAIN A COPY OF THE LETTER IN THE STUDENT'S
10 SCHOOL RECORD FOR AT LEAST 3 YEARS AFTER THE STUDENT'S EXPECTED
11 GRADUATION DATE.

12 (9) AS USED IN THIS SECTION, "SHAMPOO SERVICES" MEANS
13 PREPARING A CUSTOMER FOR A SHAMPOO, OR SHAMPOOING OR BLOW-DRYING A
14 CUSTOMER, FOR A LICENSED COSMETOLOGIST.

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