



HOUSE BILL No. 5238

December 10, 1993, Introduced by Reps. Harrison, Points and Parks and referred to the Committee on State Affairs.

A bill to amend sections 1201, 1204, 1206, 1209, 1211, 1216, and 1217 of Act No. 299 of the Public Acts of 1980, entitled as amended

"Occupational code,"

sections 1204, 1209, and 1211 as amended by Act No. 463 of the Public Acts of 1988, being sections 339.1201, 339.1204, 339.1206, 339.1209, 339.1211, 339.1216, and 339.1217 of the Michigan Compiled Laws; and to add sections 1205a, 1207a, 1207b, 1214a, and 1218a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. Sections 1201, 1204, 1206, 1209, 1211, 1216, and
2 1217 of Act No. 299 of the Public Acts of 1980, sections 1204,
3 1209, and 1211 as amended by Act No. 463 of the Public Acts of
4 1988, being sections 339.1201, 339.1204, 339.1206, 339.1209,
5 339.1211, 339.1216, and 339.1217 of the Michigan Compiled Laws,

1 are amended and sections 1205a, 1207a, 1207b, 1214a, and 1218a
2 are added to read as follows:

3 Sec. 1201. As used in this article:

4 (a) "Apprentice" means a person engaged in learning cosme-
5 tology OR MANICURING in a cosmetological OR MANICURING
6 establishment.

7 (b) "Cosmetologist" means a person who engages in, RENDERS,
8 OR OFFERS TO RENDER cosmetology SERVICES.

9 (c) "Cosmetological establishment" or "school of
10 cosmetology" ~~is~~ MEANS THE PREMISES IN a building, or part of a
11 building, completely partitioned off from any other business or
12 dwelling, except a barbershop OR BARBER COLLEGE licensed under
13 article 11, at which any of the occupations regulated by this
14 article are practiced or taught for hire or compensation.

15 (d) "Cosmetology" means 1 of the following practices or a
16 combination of the following practices: ~~arranging~~

17 (i) ARRANGING, cutting, dressing, curling, waving, cleans-
18 ing, singeing, bleaching, coloring, or similar work upon hair
19 with the hands, or with mechanical or electrical apparatus or
20 appliances, or by any means. ~~cleansing~~

21 (ii) CLEANSING, massaging, stimulating, manipulating, exer-
22 cising, beautifying, or by the use of cosmetic preparations,
23 antiseptics, tonics, lotions, or creams, or similar work upon the
24 scalp, neck, face, arms, bust, or upper part of the body of a
25 person. ~~or the~~

1 (iii) THE removing of superfluous hair from the upper part
2 of the body of a person by the use of electrolysis, depilatories,
3 waxes, or tweezers. ~~or manicuring the nails of a person.~~

4 (iv) MANICURING.

5 (e) "Electrologist" means a person who, for compensation,
6 removes superfluous hair from the upper part of the body of a
7 person by the use of the electric needle. A person may obtain a
8 license as an electrologist without qualifying as a
9 cosmetologist.

10 (f) "Instructor" means a cosmetologist who teaches in a
11 school of cosmetology OR MANICURING accredited by the
12 department.

13 (G) "MANICURING" MEANS THE CLEANSING, FILING, SHAPING, BUFF-
14 ING, POLISHING, OR BEAUTIFYING OF THE NAILS OF THE HANDS OR FEET,
15 AND THE CLEANSING, MASSAGING, STIMULATING, EXERCISING, OR BEAUTI-
16 FYING OF THE SKIN OF THE HANDS, ARMS, AND FEET, MANUALLY OR WITH
17 THE USE OF TOOLS, APPLIANCES, OR COSMETIC PREPARATIONS, INCLUDING
18 THE REPAIR OF NAILS, OR THE CREATION OR DECORATION OF ARTIFICIAL
19 NAILS. MANICURING DOES NOT INCLUDE THE PRACTICE OF PODIATRIC
20 MEDICINE AND SURGERY AS DEFINED IN SECTION 18001 OF THE PUBLIC
21 HEALTH CODE, ACT NO. 368 OF THE PUBLIC ACTS OF 1978, BEING SEC-
22 TION 333.18001 OF THE MICHIGAN COMPILED LAWS.

23 (H) "MANICURING ESTABLISHMENT" MEANS THE PREMISES WHERE MAN-
24 ICURING IS RENDERED OR OFFERED TO BE RENDERED. MANICURING ESTAB-
25 LISHMENT DOES NOT INCLUDE A COSMETOLOGICAL ESTABLISHMENT.

26 (I) ~~(g)~~ "Manicurist" means a person who ~~manicures the~~
27 ~~nails of a person~~ ENGAGES IN, RENDERS OR OFFERS TO RENDER,

1 MANICURING SERVICES. A person may obtain a license as a
2 manicurist without qualifying as a cosmetologist.

3 (J) ~~(h)~~ "Owner" means a person who conducts or owns and
4 conducts a cosmetological OR MANICURING establishment or a school
5 of cosmetology OR MANICURING.

6 (K) "SCHOOL OF MANICURING" MEANS THE PREMISES WHERE MANICUR-
7 ING IS TAUGHT.

8 (L) ~~(i)~~ "Student" means a person at least 16 years of age
9 engaged in learning cosmetology OR MANICURING in a school of cos-
10 metology OR MANICURING. The minimum age requirement shall not
11 apply to a student enrolled in a program offered as a part of the
12 regular curriculum of a public school and approved by the super-
13 intendent of public instruction.

14 Sec. 1204. (1) A person desiring to operate a cosmetolo-
15 gical establishment shall ~~make application~~ APPLY to the depart-
16 ment for a license. The cosmetological establishment shall be
17 under the daily attendance and supervision of a licensed cosme-
18 tologist who is not less than 18 years of age and has had not
19 less than 1 year's practical experience in all practices of
20 cosmetology. A cosmetological establishment shall not have more
21 than 2 apprentices at the same time. A cosmetological establish-
22 ment shall be completely separated by full partitions and doors
23 from every other activity, business, or dwelling, except a bar-
24 bershop licensed under article 11 or an area in which the sale of
25 clothing and accessories is made.

26 (2) A PERSON DESIRING TO OPERATE A MANICURING ESTABLISHMENT
27 SHALL APPLY TO THE DEPARTMENT FOR A LICENSE. THE MANICURING

1 ESTABLISHMENT SHALL BE UNDER THE DAILY ATTENDANCE AND SUPERVISION
2 OF A LICENSED MANICURIST WHO IS NOT LESS THAN 18 YEARS OF AGE AND
3 HAS HAD NOT LESS THAN 1 YEAR'S PRACTICAL EXPERIENCE IN ALL PRAC-
4 TICES OF MANICURING. A MANICURING ESTABLISHMENT SHALL NOT HAVE
5 MORE THAN 2 APPRENTICES AT THE SAME TIME. A MANICURING ESTAB-
6 LISHMENT SHALL BE COMPLETELY SEPARATED BY FULL PARTITIONS AND
7 DOORS FROM EVERY OTHER ACTIVITY, BUSINESS, OR DWELLING, EXCEPT A
8 BARBERSHOP LICENSED UNDER ARTICLE 11 OR AN AREA IN WHICH THE SALE
9 OF CLOTHING AND ACCESSORIES IS MADE.

10 SEC. 1205A. (1) A SCHOOL OF MANICURING SHALL COMPLY WITH
11 ALL OF THE FOLLOWING REQUIREMENTS:

12 (A) THE LICENSE OF THE SCHOOL AND ALL LICENSES OF ITS
13 INSTRUCTORS SHALL BE DISPLAYED IN A PROMINENT PLACE WHICH IS VIS-
14 IBLE TO THE PUBLIC AT ALL TIMES.

15 (B) A NOTICE SHALL BE POSTED INDICATING THAT THE SERVICES
16 RENDERED TO THE PUBLIC ARE PERFORMED BY STUDENTS.

17 (C) A RATIO OF NOT LESS THAN 1 INSTRUCTOR FOR EACH 20 STU-
18 DENTS ATTENDING AT ANY 1 TIME SHALL BE MAINTAINED.

19 (D) THE PREMISES SHALL NOT BE USED FOR LODGING OR RESIDEN-
20 TIAL PURPOSES OR AS A MANICURING ESTABLISHMENT.

21 (E) A DAILY RECORD OF THE ATTENDANCE OF EACH STUDENT SHALL
22 BE KEPT AND FILED MONTHLY WITH THE DEPARTMENT.

23 (F) GRADES SHALL BE GIVEN AND A FINAL EXAMINATION SHALL BE
24 ADMINISTERED AS A REQUIREMENT FOR THE COMPLETION OF TRAINING.

25 (G) A CERTIFICATE OF COMPLETION OR DIPLOMA SHALL BE GIVEN TO
26 EACH STUDENT WHO HAS SATISFACTORILY PASSED THE FINAL
27 EXAMINATION.

1 (H) STUDENTS SHALL NOT BE REQUIRED TO ATTEND MORE THAN 7
2 HOURS A DAY NOR MORE THAN 40 HOURS PER WEEK.

3 (I) EQUIPMENT SHALL BE MAINTAINED AS PRESCRIBED IN RULES
4 PROMULGATED BY THE BOARD.

5 (J) INDIVIDUALS UNDER 17 YEARS OF AGE SHALL NOT BE ENROLLED
6 AS STUDENTS.

7 (K) EACH STUDENT ENROLLED SHALL BE LICENSED BY THE DEPART-
8 MENT AND SHALL SUBMIT PROOF OF COMPLETION OF A NINTH GRADE EDUCA-
9 TION OR ITS EQUIVALENT WITH THE APPLICATION FOR STUDENT
10 LICENSURE.

11 (2) A SCHOOL OF MANICURING SHALL PROVIDE A TRAINING PROGRAM
12 OF NOT LESS THAN 300 HOURS OF THE CURRICULUM PRESCRIBED IN RULES
13 PROMULGATED BY THE BOARD. A STUDENT SHALL NOT PRACTICE ON MEM-
14 BERS OF THE PUBLIC UNTIL HE OR SHE HAS COMPLETED NOT LESS THAN
15 100 HOURS OF TRAINING, INCLUDING 50 HOURS OF THEORY AND 50 HOURS
16 OF PRACTICAL TRAINING.

17 (3) AT THE TIME A STUDENT IS ENROLLED, A SCHOOL OF MANICUR-
18 ING SHALL EXECUTE A CONTRACT WITH THE STUDENT PROVIDING FOR ALL
19 OF THE FOLLOWING:

20 (A) THE TOTAL COST OF THE COURSE AND SUPPLIES, INCLUDING THE
21 COST OF A KIT IF THAT COST IS NOT INCLUDED IN THE COST OF THE
22 COURSE.

23 (B) THE TOTAL HOURS OF INSTRUCTION REQUIRED.

24 (C) A PAYMENT SCHEDULE.

25 (D) IF A KIT IS SUPPLIED, A LIST OF EQUIPMENT CONTAINED IN
26 THE KIT.

1 (E) A STATEMENT OF THE STUDENT'S RESPONSIBILITIES.

2 (F) A STATEMENT OF THE SCHOOL'S RESPONSIBILITY TO PROVIDE
3 INSTRUCTION IN ALL PHASES OF MANICURING ACCORDING TO THE CURRICU-
4 LUM PRESCRIBED BY THE BOARD AND TO PROVIDE PROPER EQUIPMENT AND
5 MATERIALS AS PRESCRIBED IN RULES PROMULGATED BY THE BOARD.

6 (G) A STATEMENT THAT TRAINING SHALL NOT BE DENIED TO A STU-
7 DENT ON THE BASIS OF A LACK OF GOOD MORAL CHARACTER, BUT THAT A
8 PRIOR CRIMINAL CONVICTION MAY ADVERSELY AFFECT OR DELAY HIS OR
9 HER ABILITY TO MEET THE LICENSURE REQUIREMENTS OF THIS ARTICLE.

10 (4) ADVERTISING BY A SCHOOL OF MANICURING WHICH INCLUDES THE
11 COST OF TUITION SHALL INCLUDE IN THE ADVERTISING THE INFORMATION
12 SET FORTH IN SUBSECTION (3)(A) AND (B).

13 (5) A MANICURING ESTABLISHMENT WHICH TEACHES MANICURING TO
14 INDIVIDUALS WHO HAVE NEVER POSSESSED A MANICURING LICENSE SHALL
15 BE CONSIDERED A SCHOOL AND SHALL BE SUBJECT TO THE LICENSURE
16 REQUIREMENTS OF THIS ARTICLE CONCERNING SCHOOLS.

17 Sec. 1206. An owner OF, or person in charge of, a cosmeto-
18 logical OR MANICURING establishment or school of cosmetology ~~—~~
19 OR MANICURING shall not permit a person to sleep in, or use for
20 residential purposes a room used, wholly or in part, for a school
21 of cosmetology OR MANICURING or a cosmetological OR MANICURING
22 establishment.

23 SEC. 1207A. THE DEPARTMENT SHALL ISSUE A MANICURIST LICENSE
24 TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

25 (A) IS NOT LESS THAN 17 YEARS OF AGE.

26 (B) IS OF GOOD MORAL CHARACTER.

1 (C) HAS HAD AN EDUCATION EQUIVALENT TO THE COMPLETION OF THE
2 NINTH GRADE.

3 (D) HAS COMPLETED NOT LESS THAN A 400-HOUR COURSE OF STUDY
4 AT A LICENSED SCHOOL OF MANICURING AS PRESCRIBED IN RULES PROMUL-
5 GATED BY THE BOARD.

6 (E) HAS PASSED AN EXAMINATION PRESCRIBED BY THE DEPARTMENT
7 AND THE BOARD.

8 SEC. 1207B. (1) A PERSON SHALL NOT TEACH MANICURING UNLESS
9 LICENSED AS A MANICURING INSTRUCTOR UNDER THIS ARTICLE. A PERSON
10 LICENSED AS A LIMITED MANICURING INSTRUCTOR SHALL TEACH ONLY
11 UNDER THE SUPERVISION OF A FULLY LICENSED INSTRUCTOR.

12 (2) THE DEPARTMENT SHALL ISSUE A MANICURING INSTRUCTOR
13 LICENSE TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING:

14 (A) IS LICENSED AS A MANICURIST UNDER THIS ARTICLE.

15 (B) IS OF GOOD MORAL CHARACTER.

16 (C) HAS HAD NOT LESS THAN 3 YEARS OF PRACTICAL EXPERIENCE IN
17 MANICURING.

18 (3) THE DEPARTMENT SHALL ISSUE A MANICURING INSTRUCTOR
19 LICENSE TO AN INDIVIDUAL WHO APPLIES BEFORE JANUARY 1, 1997, AND
20 MEETS ALL OF THE FOLLOWING:

21 (A) IS LICENSED AS A MANICURIST OR COSMETOLOGIST UNDER THIS
22 ARTICLE.

23 (B) IS OF GOOD MORAL CHARACTER.

24 (C) HAS TAUGHT MANICURING OR COSMETOLOGY AT LEAST 1 YEAR
25 BEFORE JANUARY 1, 1995.

26 (4) THE DEPARTMENT SHALL ISSUE A LIMITED INSTRUCTOR LICENSE
27 TO AN INDIVIDUAL THAT MEETS ALL OF THE REQUIREMENTS OF SUBSECTION

1 (2) EXCEPT THE REQUIREMENT OF NOT LESS THAN 3 YEARS OF PRACTICAL
2 EXPERIENCE IN MANICURING.

3 Sec. 1209. The department shall admit to examination for a
4 license as a manicurist, an individual who has ~~made an~~
5 ~~application~~ APPLIED to the department, is at least 17 years of
6 age, is of good moral character, and has had a minimum training
7 of 300 hours under the supervision of a licensed manicurist, or a
8 licensed cosmetologist OR MANICURIST in a licensed school of cos-
9 metology OR MANICURING, or shall have spent at least 6 months in
10 a licensed cosmetological OR MANICURING establishment where the
11 subject is practiced.

12 Sec. 1211. Upon an application to the department, an indi-
13 vidual licensed as a cosmetologist OR MANICURIST under the laws
14 of another state shall, without examination, be granted a license
15 to practice the occupation in which that individual was previ-
16 ously licensed if the applicant is not less than 17 years of age,
17 is of good moral character, and the requirements for registration
18 or licensure as a cosmetologist OR MANICURIST in the particular
19 state were substantially equal to the requirements then in force
20 in this state. Years or months of experience as a licensed cos-
21 metologist, electrologist, or manicurist may be substituted for
22 hours of training in a ratio of 100 hours of training credited
23 for each 6 months of experience. An individual applying for
24 licensure having qualifications acquired outside of the United
25 States shall provide proof of training or experience, or both, as
26 a cosmetologist OR MANICURIST. The department may determine

1 whether or not an applicant is qualified to be admitted for
2 examination for licensure.

3 SEC. 1214A. (1) A PERSON SHALL NOT OPERATE A SCHOOL OF MAN-
4 ICURING UNLESS LICENSED UNDER THIS ARTICLE.

5 (2) THE DEPARTMENT SHALL ISSUE A LICENSE TO A PERSON FOR THE
6 OPERATION OF A SCHOOL OF MANICURING IF ALL OF THE FOLLOWING
7 REQUIREMENTS ARE MET:

8 (A) AN APPLICATION IS MADE BY THE OWNERS OR MANAGERS OF THE
9 SCHOOL.

10 (B) THE APPLICATION INCLUDES A DRAWING OR DIAGRAM THAT INDI-
11 CATES THE PREMISES TO BE LICENSED, THE LOCATION OF REQUIRED
12 EQUIPMENT OR FACILITIES, AND THAT THE PREMISES IS FULLY PARTI-
13 TIONED FROM ANY OTHER ACTIVITY, BUSINESS, OR DWELLING, INCLUDING
14 A MANICURING ESTABLISHMENT.

15 (C) THE PREMISES HAS SATISFACTORILY PASSED AN INSPECTION BY
16 THE DEPARTMENT CONDUCTED FOR THE PURPOSE OF DETERMINING WHETHER
17 THE SCHOOL HAS MET SANITATION AND EQUIPMENT STANDARDS PRESCRIBED
18 IN RULES PROMULGATED BY THE BOARD.

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

23 (E) PROVISION HAS BEEN MADE FOR THE DAILY SUPERVISION OF THE
24 OPERATIONS OF THE SCHOOL BY AT LEAST 1 INSTRUCTOR FULLY LICENSED
25 AS A MANICURING INSTRUCTOR.

26 (3) THE TRANSFER OF OWNERSHIP OR LOCATION OF A SCHOOL OF
27 MANICURING SHALL OPERATE AS AN AUTOMATIC REVOCATION OF THE

1 LICENSE. A NEW LICENSE SHALL NOT BE GRANTED UNTIL THE
2 REQUIREMENTS OF SUBSECTION (2) HAVE BEEN MET.

3 Sec. 1216. An individual, partnership, association, or cor-
4 poration shall not conduct or operate a cosmetological OR
5 MANICURING establishment or school of cosmetology OR MANICURING,
6 without a license issued by the department.

7 Sec. 1217. A licensee shall be subject to the penalties set
8 forth in article 6 who commits or has committed 1 of the
9 following:

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

12 (b) Practicing cosmetology OR MANICURING on the public out-
13 side of a licensed cosmetological OR MANICURING establishment or
14 school of cosmetology OR MANICURING.

15 (c) Contracting with, being employed by, or being provided
16 space or leasing space from a hospital, nursing home, convales-
17 cent home, or similar facility for the purpose of practicing cos-
18 metology OR MANICURING, without a cosmetological OR MANICURING
19 establishment license. However, a licensed cosmetologist OR
20 MANICURIST may practice on a patient in a hospital, nursing home,
21 convalescent home, or similar facility, or on a person requiring
22 home care because of an illness or infirmity.

23 SEC. 1218A. (1) THE DEPARTMENT SHALL INSPECT EACH MANICUR-
24 ING ESTABLISHMENT NOT LESS THAN ONCE EVERY 2 YEARS. THE DEPART-
25 MENT SHALL INSPECT EACH SCHOOL OF MANICURING NOT LESS THAN TWICE
26 A YEAR.

1 (2) AN EMPLOYEE OR CONTRACTOR OF THE DEPARTMENT OR A BOARD
2 MEMBER SHALL BE ALLOWED TO ENTER AND INSPECT AN ESTABLISHMENT OR
3 SCHOOL DURING REGULAR BUSINESS HOURS TO DETERMINE WHETHER A
4 LICENSEE IS CONFORMING TO THIS ARTICLE AND THE RULES PROMULGATED
5 UNDER THIS ARTICLE.

6 (3) A REPRESENTATIVE OF THE DEPARTMENT, WHEN INSPECTING AN
7 ESTABLISHMENT, MAY REQUIRE ANY INDIVIDUAL CLAIMING TO BE A
8 LICENSEE TO PRESENT IDENTIFICATION TO SUBSTANTIATE HIS OR HER
9 IDENTITY AS THE HOLDER OF A POSTED LICENSE.