



COSMETOLOGY LICENSURE

**House Bills 4219 and 4220
(Substitutes H-1)
First Analysis (2-18-97)**

**Sponsor: Rep. Ilona Varga
Committee: Regulatory Affairs**

THE APPARENT PROBLEM:

Article 12 of the Occupational Code regulates the practice of cosmetology (hair care, skin care, manicuring, and electrolysis). To obtain a cosmetologist license, a person must undergo a course of training at a cosmetological school consisting of at least 1,500 hours over a period of at least 10 months, or serve a two-year apprenticeship in a licensed cosmetology establishment. In addition, a licensing examination must be passed. A person can also become licensed as a manicurist or electrologist without obtaining a full cosmetology license, but these "subfields" must be practiced in a licensed cosmetology establishment and supervised by a person with a full cosmetology license.

Article 12 has not been substantively amended in many years, and cosmetologists and regulators say updating is necessary. For one thing, most other states issue separate "sublicenses" for the practice of skin care; people are allowed to specialize in this field, training and practicing exclusively in skin care without undergoing training in hair care and the other specialties of cosmetology. In addition, many people who specialize in "natural hair cultivation" (braiding, twisting, and the like) would like to see that field recognized as a separate licensed field of cosmetology. Further, some people would like to be able to offer skin care, manicuring, or electrology in separate establishments dedicated to those practices; current law does not allow for this.

THE CONTENT OF THE BILLS:

House Bill 4219 would amend the Occupational Code to rewrite Article 12, governing the regulation of cosmetology (MCL 339.1201 et al.). The bill would make many nonsubstantive changes in language and in the organization of the article, and would also make the following substantive changes:

C The bill would create two new subfields within the practice of cosmetology, natural hair cultivation and skin care services, and allow separate, limited licenses to be issued for these subfields.

C The bill would provide for the issuance of limited cosmetology establishment licenses, where the licensing allows only for the practice of either manicuring, skin care, or electrolysis, or a combination of these. In these establishments, the licensed subfield could be practiced without also offering full cosmetology services. Likewise, these establishments would have to be supervised by a person licensed in the particular subfield being practiced. (Natural hair cultivation would be allowed only within the larger practice of cosmetology.)

C The bill would create a new specialist instructor's license for each of the subfields.

C The bill would increase, from 300 to 400, the number of hours of training required to obtain a license as a manicurist or electrologist. (The new subfields, skin care and natural hair cultivation, would also require 400 hours of instruction.) In addition, in lieu of the 400 hours of training, an applicant for a license as an electrologist would have to complete a six-month apprenticeship in a licensed cosmetology establishment where electrology services are offered instead of studying for one year under a licensed electrologist as current law provides.

C The director of the Department of Consumer and Industry Services would have rule-making authority instead of the department and the Board of Cosmetology.

C Current law prohibits practicing cosmetology on the public outside of a licensed cosmetology establishment or school of cosmetology. The bill would provide an exception to this provision. It would allow a licensed cosmetologist to serve a patron outside of a licensed cosmetology establishment in connection with a special event, where the cosmetology service is rendered on the site of the event to a participant in the event.

House Bill 4220 would amend the State License Fee Act (MCL 338.2225) to add several license fees for the new subfields of cosmetology that would be established

under House Bill 4219. The license fees for estheticians (skin care specialists) and natural hair culturists would be the same as those in current law for cosmetologists, manicurists, and electrologists. The fees are:

C Application processing fee	\$10
C Examination fee	\$25
C Annual license fee	\$12

Tie-bar. House Bills 4219 and 4220 are tie-barred to each other.

BACKGROUND INFORMATION:

House Bills 4219 and 4220 are nearly identical to legislation introduced in the 1995-96 legislative session (House Bills 4798 and 4799). Those bills passed the House and the Senate but were not ordered enrolled.

FISCAL IMPLICATIONS:

According to the House Fiscal Agency, no net fiscal impact would be expected for the Department of Consumer and Industry Services since the amount of revenue generated by the licensing fees of the new subfields should be roughly equal to the cost increase associated with processing the new license applications and exams. There would be no local fiscal impact. (2-4-97)

ARGUMENTS:

For:
The bill would rewrite the cosmetology article of the Occupational Code to update and reorganize its major provisions, and would make several important substantive changes. Under the bill, those who specialize in cosmetology subfields, such as skin care, manicuring, and electrology, would be given added flexibility to practice in settings other than full cosmetology establishments. Thus, a free-standing manicuring or skin care salon could be licensed and operated in Michigan. Also, skin care specialists ("estheticians") would be recognized and licensed separately, so those wishing to specialize in this practice could take separate training and obtain a license to practice in this area, without having to take the full cosmetology curriculum. Finally, natural hair cultivation would be recognized as a cosmetology subfield, and someone could take training limited to this area, including braiding, twisting etc., and not have to take the entire cosmetology course in order to practice. These changes would serve to update the regulation of cosmetology in Michigan to reflect trends in the industry, and practices in many other states.

Against:
Under House Bill 4219, natural hair cultivation (hair braiding) and skin care would be created as subfields. The bill would allow the subfields of skin care, manicuring, and electrology to have separate licensed establishments, where only that one particular service would be offered, but would restrict the practice of hair braiding by licensed braiders to full-service cosmetology establishments. Many feel that braiders should be afforded the same treatment as the three other subfields and be permitted to operate businesses where only braiding is offered. Though some maintain that since braiding is a hair service it should only be offered in a cosmetology establishment, others feel strongly that since braiders do not cut, color, perm, or even wash hair, there is no logical reason why braiding should be treated differently than the other subfields and denied separate establishments. Further, to permit braiders to operate their own shops would enable small businesses to open in areas where a full-service cosmetology establishment might not exist, thus providing better access to service for customers.

Against:
Instead of expanding and revising these occupational licenses, some would argue that the state should deregulate these practices altogether. Occupational licensing generally serves more to erect economic barriers to the professions than it does to protect the public. Many would argue that the marketplace could easily regulate itself in this particular case.

POSITIONS:

The Michigan Cosmetologists Association supports the bills. (2-13-97)

The Michigan Cosmetology Schools Association supports the bills. (2-14-97)

The Wolverine State Cosmetology Association supports the bills, but believes that the natural hair culturists (braiders) should have equity with the other cosmetology subfields by being eligible for separate establishment licenses. (2-14-97)

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~~This is a preliminary report of the House of Representatives and does not constitute an official statement of the House of Representatives.~~