

**ELECTROLOGISTS: DELETE 1-YR  
EXPERIENCE REQUIREMENT**

**House Bill 4077 (Substitute H-1)  
First Analysis (4-10-03)**

**Sponsor: Rep. Scott Hummel  
Committee: Commerce**

***THE APPARENT PROBLEM:***

Article 12 of the Occupational Code provides for the licensure of cosmetologists and cosmetology establishments. Those sections were revamped in 1997. In addition to the full service cosmetology establishment license, the code permits the issuance of a limited license to an establishment that engages in electrolysis-only services, manicuring-only services, or esthetics-only services. (See Background Information for definitions). The code requires that the supervising licensee in an electrolysis-only shop be a licensed electrologist with one year of experience in electrolysis. This requirement has proven problematic. Essentially, it does not allow newly licensed electrologists to open their own shops but requires them to work for a full year under the supervision of a more senior electrologist. According to testimony from the industry, there are not enough opportunities for new licensees to gain this experience. Existing electrolysis shops apparently do not have the space available or the client base to take on new licensees. This means new practitioners, who must complete 400 hours of training (or, alternatively, a six-month apprenticeship) and then pass a state exam, find themselves without a suitable path into the profession. They are faced with either ignoring the state law or setting the license aside for one year (which some people appear to count as one year's experience as a licensee, according to some testimony). This is not a desirable situation and discourages people from entering the practice of electrolysis. Enrollments in schools are said to be down. Moreover, it makes it difficult for retiring electrologists to sell their shops to new entrants and could lead to a scarcity of shops. Legislation has been introduced to address this problem.

***THE CONTENT OF THE BILL:***

The bill would amend the Occupational Code to eliminate the requirement that a licensed electrologist have one year of experience in electrolysis before becoming a supervising electrologist in an electrolysis establishment.

(Note: The requirement that a full service cosmetology establishment be under the daily attendance and supervision of a licensed cosmetologist with at least one year of practical experience would not be affected by the bill; that requirement would remain in the code.)

MCL 339.1204

***BACKGROUND INFORMATION:***

• Under Article 12 of the Occupational Code, a cosmetologist is an individual who offers hair care services, skin care services, manicuring services, or electrolysis. Electrolysis is defined as the permanent removal of hair from the body of an individual by using electricity. An esthetician provides skin care services. A manicurist provides manicuring services to the nails of the hands and feet and the skin of the hands, arms, and feet. Cosmetology is regulated by the Michigan Board of Cosmetology, within the Department of Consumer and Industry Services. According to the department, the board oversees the practice of 75,697 cosmetologists and 8,430 cosmetology establishments. This includes 725 limited cosmetology shops, of which 87 are licensed electrolysis shops. Statewide, there are 964 electrolysis-only licensees.

• According to information from the Department of Consumer and Industry Services, the issue addressed in this bill will be taken up by the Board of Cosmetology at its May 5<sup>th</sup> meeting.

• Information on the current licensure system can be found on the web site of the Department of Consumer and Industry Services under the heading of "commercial services and corporations". Information on the 1997 revamping of Article 12 of the Occupational Code can be found in the analysis of House Bills 4219 and 4220 by the House Legislative Analysis Section, dated 8-18-97.

- To be licensed as an electrologist, an individual needs to be at least 18 years of age; of good moral character; have an education equivalent to the completion of the ninth grade; have completed 400 hours of training in a licensed school of cosmetology in which the practice is taught or have studied for at least six months as an apprentice in a licensed cosmetology establishment where electrology services are offered; and have passed a state examination. The training must include a minimum number of practical applications as prescribed in department rules.

The Department of Consumer and Industry Services is neutral on the bill. (4-8-03)

### ***FISCAL IMPLICATIONS:***

There is no information at present.

### ***ARGUMENTS:***

#### ***For:***

The relatively recent state requirement that newly licensed electrologists gain experience for one year before they can practice independently is proving unworkable. There are said to be few shops available for newly trained electrologists to gain the experience. Reportedly, electrology establishments typically do not have the space or sufficient clientele to take on additional practitioners. According to testimony before the House Commerce Committee, this state of affairs leaves new licensees in a dilemma, with some choosing to practice in violation of the letter of the law and others choosing to hold a license for one year before beginning practicing. It also makes it difficult for a retiring electrologist to sell an establishment to a new licensee. The current requirement of one year's experience after licensure is not necessary. The Occupational Code requires electrologists to complete 400 hours of training (or, alternatively, a six month apprenticeship) before passing a state examination. New licensees are sufficiently well trained to practice independently immediately, say industry spokespersons. It should be noted that no other limited cosmetology licensee faces this requirement.

### ***POSITIONS:***

A representative from the Michigan Electrology Association testified in support of the bill. (4-8-03)

A representative from the Great Lakes School of Electrology testified in support of the bill. (4-8-03)

A representative from the Sally Esser Beauty School testified in support of the bill. (4-8-03)

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.