

# HOUSE BILL No. 4681

May 14, 2003, Introduced by Reps. Hunter, Cheeks, Jamnick, Elkins, Williams, Law, McConico, Tobocman, Condino, Stallworth, Zelenko, Waters and Daniels and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending section 1205 (MCL 339.1205), as amended by 1997  
PA 97.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 1205. (1) The department shall issue a license to a  
2 person for the operation of a school of cosmetology if all of the  
3 following requirements are met:

4       (a) An application is submitted by the owner or manager of  
5 the school.

6       (b) The application includes a drawing or diagram that  
7 indicates the premises to be licensed, showing that the premises  
8 are fully partitioned from any other activity, business, or  
9 dwelling. The location of required equipment and facilities  
10 shall also be shown on the diagram.

1 (c) A cash or surety bond of \$10,000.00 has been furnished in  
2 favor of the people of this state for the use and benefit of  
3 students and conditioned upon the faithful performance and  
4 satisfaction of the contractual rights of students.

5 (d) Provisions have been made for the school to be under the  
6 daily supervision of a licensed instructor who has at least 3  
7 years' experience in all services of cosmetology being taught in  
8 the school.

9 (e) The premises has successfully passed an inspection by the  
10 department conducted for the purpose of determining whether the  
11 school has met the standards set forth in this article and rules  
12 promulgated by the director.

13 (2) A school of cosmetology shall fulfill all of the  
14 following requirements:

15 (a) Shall maintain a course of practical training and  
16 technical instruction, as outlined in the various curricula set  
17 forth in rules promulgated by the director, equal to the  
18 requirements for prelicensure training under this article. A  
19 school of cosmetology shall teach hair care services, skin care  
20 services, and manicuring services and may hold a limited license  
21 for the teaching of electrology. However, a school of  
22 cosmetology with a license limited only to the teaching of  
23 electrology shall teach only electrology and not any other  
24 cosmetology service.

25 (b) Shall possess efficient apparatus and equipment  
26 prescribed in rules promulgated by the director sufficient for  
27 the ready and full teaching of each subject in the curriculum.

1 (c) Shall maintain 1 person licensed as an instructor,  
2 competent to impart instruction in each subject of its  
3 curriculum, for every 20 students.

4 (d) Shall be operated for teaching purposes only.  
5 Instructors shall practice on the public only to demonstrate  
6 techniques to students and to correct the work of students.

7 (e) Shall provide for the display of the license of the  
8 school of cosmetology and of each instructor working in the  
9 school in a prominent place that is visible to the public at all  
10 times. A sign shall be displayed indicating that services are  
11 rendered by students of the school.

12 (f) At the time of the enrollment of a student, shall furnish  
13 the student a financial contract showing the total cost and all  
14 charges involved in the complete course of study. Advertising  
15 matter put out by schools, when mentioning the cost of tuition or  
16 related subjects, shall furnish the same financial information as  
17 described in this subsection.

18 (3) A cosmetology establishment exacting a fee for the  
19 teaching of cosmetology or 1 or more services of cosmetology is  
20 considered a school of cosmetology and is required to comply with  
21 this section. A cosmetology establishment conducting an  
22 apprenticeship program without charging a fee for the teaching of  
23 cosmetology shall comply with subsection (5). A cosmetology  
24 establishment which has successfully trained 1 apprentice is  
25 eligible to train additional apprentices except that a  
26 cosmetology establishment shall not have more than 2 apprentices  
27 at the same time.

1           (4) The department may issue a limited school of cosmetology  
2 license to a school teaching ~~only~~ electrology **or manicuring**  
3 **services**. A school of cosmetology whose license is limited to  
4 teaching ~~only~~ electrology **or manicuring services** shall fulfill  
5 all of the requirements of this section, except that daily  
6 supervision of the school shall be provided by an electrology **or**  
7 **manicuring services** instructor and the curriculum offered and  
8 equipment and facilities required shall be only those required  
9 for the teaching of electrology **or manicuring services**.

10           (5) A school of cosmetology or a cosmetology establishment  
11 conducting an apprenticeship program shall comply with all of the  
12 following requirements:

13           (a) Require that a student or apprentice be in attendance not  
14 more than 7 hours per day or not more than 40 hours per week.

15           (b) Keep a daily record of the attendance of each student or  
16 apprentice, a copy of which shall be sent to the department  
17 monthly, establish grades, and require a student or apprentice to  
18 pass an examination before certifying to the department that an  
19 individual has completed training.

20           (c) Permit a cosmetology student or apprentice to practice on  
21 the public only after completing at least 350 hours of  
22 instruction in the general cosmetology curriculum, including both  
23 theory and practical hours. A student or apprentice in a natural  
24 hair cultivation, manicuring, skin care, or electrology  
25 curriculum may practice on the public only after completing at  
26 least 1/4 of the hours required by the applicable curriculum,  
27 including both theory and practical hours.

1           (6) The transfer of ownership or location of a school of  
2 cosmetology voids the license. The filing of a new license  
3 application is a predicate to the change in ownership or location  
4 of a school.