

HOUSE BILL No. 5111

August 31, 2005, Introduced by Rep. Hunter 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 the
5 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

1 dwelling. The location of required equipment and facilities shall
2 also be shown on the diagram.

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

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

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

15 (2) A school of cosmetology shall fulfill all of the following
16 requirements:

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

26 (b) Shall possess efficient apparatus and equipment prescribed
27 in rules promulgated by the director sufficient for the ready and

1 full teaching of each subject in the curriculum.

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

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

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

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

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

1 time.

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

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

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

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

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

1 and practical hours.

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