

BARBER COLLEGES AND SCHOOLS OF COSMETOLOGY

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House Bill 5224 (reported from committee as substitute H-1)

Sponsor: Rep. Jeff Yaroach

Committee: Regulatory Reform

Complete to 8-13-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill would allow a barber college and a school of cosmetology to occupy the same building and share facilities and would also require hours of instruction—up to 1,000 hours—earned at one institution to be able to be substituted for hours of instruction at the other, if those hours were for substantially similar instruction.

FISCAL IMPACT: House Bill 5224 would not have a significant fiscal impact on the Department of Licensing and Regulatory Affairs (LARA) or on other units of state or local government. Under the bill, LARA would be required to promulgate rules establishing criteria for determining whether hours of instruction at barber colleges and at schools of cosmetology are similar. This promulgation would not result in any significant costs for the department.

THE APPARENT PROBLEM:

Michigan law regulates schools that provide instruction for students of barbering or for students of cosmetology under separate provisions within the Occupational Code and does not allow a school of barbering and a school of cosmetology to share the same facilities. Barbering and cosmetology, though sharing a focus on hair services, are different in philosophy and approach to hair services and also offer different types of services. For example, barbers are trained and licensed to offer straight razor shaving, whereas cosmetologists are not. A fully licensed cosmetologist may offer nail services in addition to styling, cutting, and dying hair, whereas barbers may not perform nail services.

It has been noted, though, that many of the required educational and theory components are similar, if not substantially the same. Yet, a student in one type of college often is not able to have completed hours of instruction accepted at the other type of college should he or she either switch midcourse to the other type of school or, if already licensed, decide to become licensed in the other profession as well. Some feel that this disadvantages students who decide to switch emphasis while still in school and also disadvantages professionals who wish to expand their career or business opportunities. Besides the time involved in repeating hours of instruction already successfully completed, some financial aid programs will not reimburse for a similar or identical class or course of study, even if necessary for a different type of license.

Further, under current law, an operator of a college of barbering and a school of cosmetology cannot operate the two programs in the same building unless separate entrances are used, instruction is provided in different classrooms, and separate facilities, such as sinks and sterilizers, are provided.

Legislation has been offered to address the above concerns.

THE CONTENT OF THE BILL:

House Bill 5224 would amend sections 1110 and 1205 of the Occupational Code, which provide for licensure as a barber or as a cosmetologist, respectively. Among other requirements, a person seeking licensure as a barber must complete 225 hours of classroom study, demonstrations, and recitations and 1,575 hours of practical barber training. A person must, among other things, complete 1,500 hours of theory and practice for full licensure as a cosmetologist. [A person may also obtain a license only for manicuring, electrology, or esthetics (facial and skin care).]

Under the bill, a barber college or a school of cosmetology, respectively, would be required to allow a student to substitute hours of instruction successfully completed at a licensed school of cosmetology or barber college, as appropriate, if those hours were substantially similar in content to hours of instruction included in the educational program of the other school. The number of hours that could be substituted would be capped at 1,000, and the bill would apply only to schools licensed by the state under the Code. The Department of Licensing and Regulatory Affairs (LARA) would be required to establish criteria through departmental rules for determining whether an hour of instruction at one licensed entity (barber college or school of cosmetology) is substantially similar to an hour of instruction at the other. Further, the bill would allow a school of cosmetology and barber college licensed by the state to occupy the same building and to share facilities.

The bill would take effect 90 days after being enacted.

MCL 339.1110 and 339.1205

ARGUMENTS:

For:

As reported from committee, the bill would enable a student who is studying to be a barber to switch to studying cosmetology (and vice versa), or enable a licensed cosmetologist or barber to attend barber college or a school of cosmetology, respectively, without having to repeat (or pay again for) the educational and theory portions of the other emphasis, if that portion of the training is substantially similar in content to the courses taught at the other college or school. The bill would limit the number of hours that could be substituted between programs to 1,000, limit applicability to hours that were successfully completed, and restrict the ability to substitute hours to hours earned at, and programs offered by, a state-licensed barber college or school of cosmetology. The Department of Licensing and Regulatory Affairs (LARA), the state agency with regulatory oversight of these colleges and schools, would have to develop the criteria to be used in making determinations of suitability for substitution of instruction between the two different programs. Because this would be done through the rule-making process, members of both professions and the general public would be able to have input at required public hearings.

Requiring these institutions to accept some of the completed training earned at the other type of entity could expedite the ability of students who switch from one emphasis to the other to enter the workforce and could reduce the financial burden of having to pay twice for essentially the same instruction. The bill would similarly help a person who is already licensed and

practicing as a barber or cosmetologist to expand his or her expertise to serve the needs of clients or to continue working in a changing business climate.

The bill would also enable a barber college and a school of cosmetology to operate out of the same building and use the same facilities, such as a room with sinks and chairs or a waiting room. Though not specified in the bill, it is assumed that sharing facilities would not be interpreted as sharing teaching or training responsibilities, as each profession would still be required to adhere to its own statutory requirements under the Occupational Code pertaining to instructors and instruction and to departmental rules promulgated under those statutes.

Against:

As written, the committee-passed substitute could have unintended consequences. In particular, allowing successfully completed hours of instruction to be substituted between programs, without requiring successful completion of the program and the successful passing of a licensing exam in that profession, could play havoc with program completion rates and other requirements that vocational programs such as barber colleges and schools of cosmetology must maintain in order for their students to be eligible to participate in certain state or federal financial aid programs, such as federal student loans or aid provided under the GI Bill or Veterans Administration. Limiting applicability of the bill to those who have completed their studies and become licensed in one field, but who wish to train in the other, would address that concern.

Further, the bill does not require LARA to consult with the Board of Barber Examiners or the Board of Cosmetology in making its determination as to the criteria regarding suitability of coursework or instruction to be substituted between programs. As the professions are distinct from one another in types of services and in how those services are performed (which impacts the training), input from the boards would appear to be desirable.

Response:

Apparently, a substitute bill has been offered on the floor that would require a barber college or school of cosmetology to substitute hours of substantially similar instruction earned at the other type of institution only for students who have a license in that other profession.

POSITIONS:

Douglas J Aveda indicated support for the H-1 substitute. (5-16-18)

The Flint Institute of Barbering, Inc., opposes the H-1 substitute. (8-8-18)

The Barber/Styling College of Lansing indicated opposition to the bill. (5-16-18)

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