



**Senate Fiscal Agency**  
**P. O. Box 30036**  
**Lansing, Michigan 48909-7536**

BILL



ANALYSIS

**Telephone: (517) 373-5383**  
**Fax: (517) 373-1986**

Senate Bill 751 (Substitute S-1 as passed by the Senate)  
Sponsor: Senator Marty Knollenberg  
Committee: Regulatory Reform

Date Completed: 4-20-18

### **RATIONALE**

Michigan law prohibits an unlicensed individual from performing cosmetology services, which include hair care and other types of services. Some people believe that this prohibition precludes cosmetology students from gaining important practical experience in a salon environment, similar to an internship in other occupations. It has been suggested that students who had completed at least 350 hours of general instruction from a cosmetology school should be allowed to perform shampoo services in a cosmetology establishment.

### **CONTENT**

**The bill would amend Article 12 (Cosmetology) of the Occupational Code to do the following:**

- **Exempt from licensing requirements a cosmetology student performing shampoo services in a cosmetology establishment if the student met certain education requirements and the establishment had obtained a letter containing certain information from the student's school of cosmetology.**
- **Specify that a student could perform shampoo services without a license for 30 days after he or she was scheduled to graduate from a school of cosmetology.**
- **Require a cosmetology establishment that employed a student to perform shampoo services to maintain certain records and give the Department of Licensing and Regulatory Affairs access to them.**
- **Require a cosmetology establishment to ensure that a student did not perform cosmetology services other than shampoo services, and require a licensed cosmetologist to be present in the establishment while the student was performing shampoo services.**

The bill would define "shampoo services" as preparing a customer for a shampoo, or shampooing or blow-drying a customer, for a licensed cosmetologist.

The Code specifies that an individual must not perform any form of cosmetology services, with or without compensation, on any individual other than a member of his or her immediate family without a license. ("Cosmetology" means one or more of the following services: hair care services, skin care services, manicuring services, and electrology.)

Under the bill, an individual who was a cosmetology student could perform shampoo services in a cosmetology establishment on members of the public without a license if all of the following were met at the time the individual was performing the services:

- He or she was enrolled in a school of cosmetology, except as provided for an individual scheduled to graduate.

- He or she had completed at least 350 hours of instruction in the school's general cosmetology curriculum required under Section 1205(5)(c), and the instruction included at least the minimum number of practical applications established by the Department Director by rule.
- The cosmetology establishment that was employing the individual to perform shampoo services had received written verification from the school of cosmetology he or she attended, in the form of a letter on the school's letterhead, dated and signed by the director or manager of that school, that stated all of the following: the individual's full name; that the individual was currently enrolled in the school; that the individual met the required education requirements; and his or her expected graduation date.

(Under Section 1205(5)(c), a cosmetology student or apprentice is permitted to practice on the public only after completing at least 350 hours of instruction in the general cosmetology curriculum of a school of cosmetology or a cosmetology establishment conducting an apprenticeship program, including both theory and practical hours. A student or apprentice in a natural hair cultivation, manicuring, skin care, or electrology curriculum may practice on the public only after completely at least one-quarter of the hours required by the applicable curriculum, including both theory and practical hours.)

An individual who was authorized to perform shampoo services without a license could continue to perform those services at the cosmetology establishment without a license for 30 days after he or she was scheduled to graduate from a school of cosmetology.

A cosmetology establishment that employed a student to perform shampoo services would have to do all of the following:

- Maintain records, which would have to include a verification letter, of the student's employment and keep the records on file for at least three years after the end of the employment relationship.
- Allow the Department access to the records.
- Ensure that the student did not perform cosmetology services other than shampoo services while employed by the establishment.
- Ensure that a licensed cosmetologist was present in the establishment when the student was performing shampoo services.

A school of cosmetology that provided a verification letter would have to retain a copy of the letter in the student's school record for at least three years after the student's expected graduation date.

The bill would take effect 90 days after its enactment.

MCL 339.1203a

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

### **Supporting Argument**

Essentially, cosmetology is a skilled trade. The best way for cosmetology students to learn is through observation and practical hands-on experience, and students' career paths tend to grow more quickly with this type of experience. The bill would give students who had completed their first 350 hours of general cosmetology instruction the opportunity to gain experience in a salon environment, similar to an internship in other professions. This also would allow them earn an income while they are in school. The bill would have a direct benefit for students by providing them with experience and additional knowledge for future employment; for salons by creating openings for more bookings and giving them an opportunity to determine whether a student was someone they wanted to hire after he or she graduated; and for individual stylists by allowing them to see more clients and take breaks when needed.

Under current law, a cosmetology establishment may allow a student to practice on the public only if the establishment has a relationship with a cosmetology school and offers an apprenticeship program. This significantly limits the number of salons that may use students. Under the bill, any cosmetology establishment that complied with the proposed requirements would be able to hire a student for the limited purpose of shampooing its clientele.

Requiring the students to complete their first 350 hours of general instruction before they could perform shampoo services (as currently required for students who practice on the public) would ensure that they had received instruction on ensuring public safety, such as sanitation, hair and scalp treatment, and patron protection. The bill also includes important regulatory measures to ensure the accountability of the student, the cosmetology school, and the salon.

Legislative Analyst: Stephen Jackson

### **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Elizabeth Raczkowski

SASVA1718\sb751a

This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.