

HOUSE BILL No. 5224

November 7, 2017, Introduced by Reps. Yaroach, Lucido, LaFave, Chang and Brann and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1110 and 1205 (MCL 339.1110 and 339.1205),
section 1110 as amended by 2014 PA 137 and section 1205 as amended
by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1110. (1) The department shall license a barber college
2 that meets all of the following requirements:

3 (a) Through its owners or managers, has applied to the
4 department for a license.

5 (b) ~~Provides~~ **SUBJECT TO SUBSECTION (6), PROVIDES** an
6 educational program requiring completion of 225 hours of classroom
7 study, demonstrations, and recitations and 1,575 hours of practical
8 barber training.

1 (c) Meets the sanitation standards required of barbershops as
2 set forth in rules promulgated by the board and determined by
3 inspection by the department.

4 (d) Files and maintains a corporate surety or cash bond of
5 \$10,000.00 conditioned on the faithful performance and satisfaction
6 of the contractual rights of students enrolled in the barber
7 college.

8 (e) Employs or contracts with not fewer than 2 full-time,
9 licensed instructors and ensures that both of the following are
10 met:

11 (i) At any time classroom study or theory training is given to
12 any number of students, at least 1 instructor is present.

13 (ii) If practical training occurs, there is at least 1
14 instructor present for every 30 students at all times.

15 (f) Is completely partitioned from any other place of business
16 or dwelling. A person shall not conduct any other business from a
17 barber college than the rendering of barber services and the
18 teaching of barbering, although a barber college may sell at retail
19 to patrons those preparations used on patrons who are receiving
20 barbering services from students.

21 (g) Provides reasonable classroom facilities and other
22 equipment for the proper instruction of students described in this
23 subdivision and rules promulgated by the board, including 1
24 stationary wash basin with hot and cold running water and a
25 connected drain for every 2 barber chairs. A barber college shall
26 arrange its enrollment and course scheduling so that students are
27 not required to share the use of a training station during any

1 practical training period.

2 (2) Except as provided in this subsection, a student
3 instructor may not instruct without a supervising instructor
4 present in the room. In case of emergency, a student instructor may
5 instruct up to 30 students, but the barber college shall provide
6 notice of the emergency to the department in writing and ensure
7 that an instructor is on the premises at all times. Use of a
8 student instructor as a substitute instructor under this subsection
9 shall not continue for more than 7 consecutive days without written
10 approval of the department certifying the emergency circumstances.

11 (3) The license of a barber college is automatically revoked
12 if there is a transfer of ownership or change of location of a
13 barber college. The department shall not grant a new license to new
14 owners or for a new location unless the requirements of subsection
15 (1) are met.

16 (4) The classroom courses of a barber college shall include at
17 least all of the following: scientific fundamentals for barbering;
18 hygiene; bacteriology; histology of hair, skin, and nails;
19 structure of the head, face, and neck, including muscles and
20 nerves; elementary chemistry relating to sterilization and
21 antiseptics; diseases of the skin, hair, glands, and nails;
22 massaging and manipulating the head, face, and neck; haircutting
23 and shaving; cosmetic therapy; arranging, styling, dressing,
24 coloring, bleaching, curling, permanent waving, and tinting of the
25 hair; elements of business training; and barber laws and rules of
26 the state.

27 (5) The department by rule shall prescribe the number of hours

1 of instruction a barber college is required to provide for each
2 subject set forth in subsection (4). Each barber college shall
3 provide a written copy of the rules to each student at the
4 beginning of his or her instruction.

5 **(6) FOR THE PURPOSES OF SUBSECTION (1) (B) AND SECTION**
6 **1108(1) (C) , A BARBER COLLEGE SHALL ALLOW A STUDENT TO SUBSTITUTE**
7 **NOT MORE THAN 1,000 HOURS OF INSTRUCTION THE STUDENT SUCCESSFULLY**
8 **COMPLETED AT A SCHOOL OF COSMETOLOGY THAT IS LICENSED UNDER ARTICLE**
9 **12, IF THOSE HOURS ARE SUBSTANTIALLY SIMILAR IN CONTENT. THE**
10 **DEPARTMENT BY RULE SHALL ESTABLISH CRITERIA FOR DETERMINING WHETHER**
11 **AN HOUR OF INSTRUCTION AT A SCHOOL OF COSMETOLOGY THAT IS LICENSED**
12 **UNDER ARTICLE 12 IS SUBSTANTIALLY SIMILAR TO AN HOUR OF INSTRUCTION**
13 **AT A BARBER COLLEGE.**

14 **(7) ~~(6)~~**—A barber college shall display the license of the
15 barber college and all instructors, student instructors, and
16 students in a prominent place visible to the public at all times.
17 An individual's license may be displayed at the individual's work
18 station.

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

22 (a) An application is submitted by the owner or manager of the
23 school.

24 (b) The application includes a drawing or diagram that
25 indicates the premises to be licensed, showing that the premises
26 are fully partitioned from any other activity, business, or
27 dwelling. The location of required equipment and facilities shall

1 also be shown on the diagram.

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

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

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

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

16 (a) ~~Shall~~ **SUBJECT TO SUBSECTION (6), SHALL** maintain a course
17 of practical training and technical instruction, as outlined in the
18 various curricula set forth in rules promulgated by the director,
19 equal to the requirements for prelicensure training under this
20 article. A school of cosmetology shall teach hair care services,
21 skin care services, and manicuring services and may hold a limited
22 license for the teaching of electrology. However, a school of
23 cosmetology with a license limited only to the teaching of
24 electrology shall teach only electrology and not any other
25 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. A school of
4 cosmetology whose license is limited to teaching only electrology
5 shall fulfill all of the requirements of this section, except that
6 daily supervision of the school shall be provided by an electrology
7 instructor and the curriculum offered and equipment and facilities
8 required shall be only those required for the teaching of
9 electrology.

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

1 (6) FOR THE PURPOSES OF SUBSECTION (2) (A) AND SECTION 1207(D) ,
2 A SCHOOL OF COSMETOLOGY SHALL ALLOW A STUDENT TO SUBSTITUTE NOT
3 MORE THAN 1,000 HOURS OF INSTRUCTION THE STUDENT SUCCESSFULLY
4 COMPLETED AT A BARBER COLLEGE THAT IS LICENSED UNDER ARTICLE 11, IF
5 THOSE HOURS ARE SUBSTANTIALLY SIMILAR IN CONTENT. THE DEPARTMENT BY
6 RULE SHALL ESTABLISH CRITERIA FOR DETERMINING WHETHER AN HOUR OF
7 INSTRUCTION AT A BARBER COLLEGE THAT IS LICENSED UNDER ARTICLE 11
8 IS SUBSTANTIALLY SIMILAR TO AN HOUR OF INSTRUCTION AT A SCHOOL OF
9 COSMETOLOGY.

10 (7) ~~(6)~~—The transfer of ownership or location of a school of
11 cosmetology voids the license. The filing of a new license
12 application is a predicate to the change in ownership or location
13 of a school.

14 Enacting section 1. This amendatory act takes effect 90 days
15 after the date it is enacted into law.