

COSMETOLOGY LICENSURE REVISIONS

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Senate Bill 434 (S-1) as passed by the Senate

Sponsor: Sen. Aric Nesbitt

House Committee: Regulatory Reform

Senate Committee: Regulatory Reform

Complete to 10-28-19

Analysis available at

<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 434 would amend Article 12 of the Occupational Code, which pertains to the regulation of cosmetology services and the training of cosmetologists. In addition to numerous revisions of a technical or editorial nature, the bill would do all of the following:

- Require the Department of Licensing and Regulatory Affairs (LARA), in consultation with the Board of Cosmetology, to promulgate rules for the operation of *mobile salons* and the performance of cosmetology services in or at the premises of mobile salons. The rules would have to be promulgated within one year after the bill's effective date. The rules would have to include sanitation standards and could, among other things, establish safety requirements or enforcement actions. A cosmetology establishment that is a mobile salon would be exempt from the licensing regulations until the rules for the operation of mobile salons took effect.
- Require an application for a cosmetology establishment license to include the address of the premises. For an establishment adjacent to a dwelling or a school of cosmetology, the application must also show that the premises are completely separated by full partitions and doors from the dwelling or school.
- Eliminate the requirement that a cosmetology establishment be under the daily attendance and supervision of a licensed cosmetologist.
- Require a licensed instructor to supervise a classroom demonstration given by a specialist demonstrator in a school of cosmetology.
- Eliminate the restriction that a student at a school of cosmetology or an apprentice at a cosmetology establishment may be in attendance not more than seven hours a day. The bill would retain the requirement that a student or apprentice be limited to no more than 40 hours of attendance a week.
- Specify that a cosmetology establishment cannot charge a fee for teaching cosmetology services to apprentices on the premises.
- Allow a cosmetology establishment that is conducting an apprenticeship program, and an apprentice of that program, to continue in a new location if the location of the establishment changes and a new license is issued for that location.
- Repeal section 1214 of the act and incorporate the repealed language into the requirements that the owner of a school of cosmetology or the owner of a cosmetology establishment must meet. (The repealed section pertains to requiring the owner of a school or establishment to obtain proof that a student or apprentice has a high school degree or the equivalent, unless the individual is a public school student enrolling in a

program as part of the public school's curriculum and approved by the state Board of Education.)

- In addition to requirements currently in place for an individual licensed as a cosmetologist in another state to apply for a Michigan license, require the applicant to establish that sanctions have not been imposed against him or her by a similar licensing or registration board of any other state.
- Require LARA to regularly inspect each cosmetology establishment and school of cosmetology to determine whether the licensee is conforming to Article 12 and the rules promulgated under it, rather than requiring at least a yearly inspection of each cosmetology establishment and inspections twice yearly for each cosmetology school and establishment training apprentices.
- Retain the prohibition on practicing cosmetology on the public outside the premises of a licensed establishment or school and clarify that the prohibition does not apply to services performed at a special event in which the cosmetology services are required for an on-site participant of the event, a nursing home, home for the aged, or adult foster care facility.
- Eliminate a provision that currently prohibits contracting with, being employed by, or being provided space or leasing space from a hospital, nursing home, convalescent home, or similar facility without a cosmetology establishment license and that allows a licensed cosmetologist to practice on a patient in one of those facilities or on a person requiring home care due to an illness or infirmity.

Mobile salon would mean either of the following:

- A self-contained vehicle or other device that is moved, towed, or transported from one location to another and in which equipment used to perform one or more cosmetology services is installed. (The vehicle or other device and the equipment installed in either would constitute the premises of the mobile salon.)
- A business in which equipment used to perform one or more cosmetology services is transported to and used on a temporary basis at a location other than the premises of the owner, including a cosmetology establishment owned by another person; a client's home; a nursing home or home for the aged, as defined in the Public Health Code; or an adult foster care facility, as defined in the Adult Foster Care Facility Licensing Act. (The equipment used to perform the cosmetology services, and the temporary location at which the equipment is used while at that location would constitute the premises of the mobile salon.)

In addition, the bill would revise several current definitions and add new definitions, as follows:

“Cosmetology” would mean performing one or more cosmetology services, and “cosmetology services” would mean hair care services, skin care services, manicuring services, or electrology (currently, these are included in the definition of “cosmetology”).

“Cosmetology establishment” would be revised to mean a place of business at which one or more cosmetology services are offered or provided and would include a mobile salon and a cosmetology suite.

“Cosmetology suite” would mean a room or suite located inside a licensed cosmetology establishment that is leased or rented from the owner of the establishment for the purposes of offering or providing one or more cosmetology services.

“School of cosmetology” would be revised to mean a school that teaches one or more cosmetology services at premises designated in the license application.

MCL 339.1201 et al.

FISCAL IMPACT:

Senate Bill 434 would have an indeterminate fiscal impact on LARA. LARA would be required to promulgate rules under the bill, but such promulgation would not result in additional departmental expenses. The impact on departmental inspections would also be indeterminate, since facility inspections would need to be completed for mobile salons, but the bill would also change cosmetology establishment inspections from at least an annual basis to “regularly”. Mobile salons, since they would be included in the definition of cosmetology establishments, would be required to pay fees in accordance with MCL 338.2225. The fees required to be paid would include a \$25 application processing fee and a \$25 annual license fee. It is unclear whether revenues from these fees would sufficiently offset departmental expenses.

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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.