

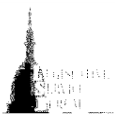
HOUSE BILL NO. 4335

March 12, 2019, Introduced by Reps. Yaroch and Marino 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:



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

3 (b) ~~Provides~~ **Subject to subsection (6), provides** an
4 educational program ~~requiring~~ **that requires** completion of 225 hours
5 of classroom study, demonstrations, and recitations and 1,575 hours
6 of practical barber training.

7 (c) Meets the sanitation standards required of barbershops as
8 set forth in rules promulgated by the board and determined by
9 inspection by the department.

10 (d) Files and maintains a corporate surety or cash bond of
11 \$10,000.00 conditioned on the faithful performance and satisfaction
12 of the contractual rights of students enrolled in the barber
13 college.

14 (e) Employs or contracts with ~~not fewer than 2~~ **1 or more** full-
15 time, licensed instructors and ensures that both of the following
16 are met:

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

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

21 (f) ~~Is~~ **Except as provided in subsection (7), is** completely
22 partitioned from any other place of business or dwelling. ~~A~~ **Except**
23 **as provided in subsection (7), a** person shall not conduct any other
24 business from a barber college than the rendering of barber
25 services and the teaching of barbering, although a barber college
26 may sell at retail to patrons those preparations used on patrons
27 who are receiving barbering services from students.

28 (g) Provides reasonable classroom facilities and other
29 equipment for the proper instruction of students described in this



1 subdivision and rules promulgated by the board, including 1
2 stationary wash basin with hot and cold running water and a
3 connected drain for every 2 barber chairs. A barber college shall
4 arrange its enrollment and course scheduling so that students are
5 not required to share the use of a training station during any
6 practical training period.

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

16 (3) The license of a barber college is automatically revoked
17 if there is a transfer of ownership or change of location of a
18 barber college. The department shall not grant a new license to new
19 owners or for a new location unless the requirements of subsection
20 (1) are met.

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



1 hair; elements of business training; and barber laws and rules of
2 the state.

3 (5) The department by rule shall prescribe the number of hours
4 of instruction a barber college is required to provide for each
5 subject set forth in subsection (4). Each barber college shall
6 provide a written copy of the rules to each student at the
7 beginning of his or her instruction.

8 (6) For the purposes of subsection (1)(b) and section
9 1108(1)(c), if a student of a barber college has successfully
10 completed hours of instruction at a state school of cosmetology
11 that are substantially similar in content to hours of instruction
12 included in the educational program of the barber college and the
13 student is licensed as a cosmetologist under article 12, the barber
14 college may allow the student to substitute those hours of
15 substantially similar instruction for hours of instruction at the
16 barber college. However, a barber college shall not allow a student
17 to substitute more than 1,000 hours of substantially similar
18 instruction from a state school of cosmetology for hours of
19 instruction at the barber college under this subsection. The
20 department by rule shall establish criteria for determining whether
21 an hour of instruction at a state school of cosmetology is
22 substantially similar to an hour of instruction at a barber
23 college. As used in this subsection and subsection (7), "state
24 school of cosmetology" means a school of cosmetology that is
25 licensed under article 12.

26 (7) A barber college and a state school of cosmetology may
27 occupy the same building and share facilities.

28 (8) ~~+(6)-~~A barber college shall display the license of the
29 barber college and all instructors, student instructors, and

1 students in a prominent place visible to the public at all times.
2 An individual's license may be displayed at the individual's work
3 station.

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

7 (a) An application is submitted by the owner or manager of the
8 school.

9 (b) The application includes a drawing or diagram that
10 indicates the premises to be licensed. ~~showing~~ **Except as provided**
11 **in subsection (7), the drawing or diagram must show** that the
12 premises are fully partitioned from any other activity, business,
13 or dwelling. The location of required equipment and facilities
14 shall also be shown on the diagram.

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

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

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

27 (2) A school of cosmetology shall fulfill all of the following
28 requirements:

29 (a) ~~shall~~ **Subject to subsection (6), shall** maintain a course



1 of practical training and technical instruction, as outlined in the
2 various curricula set forth in rules promulgated by the director,
3 equal to the requirements for prelicensure training under this
4 article. A school of cosmetology shall teach hair care services,
5 skin care services, and manicuring services and may hold a limited
6 license for the teaching of electrology. However, a school of
7 cosmetology with a license limited only to the teaching of
8 electrology shall teach only electrology and not any other
9 cosmetology service.

10 (b) Shall possess efficient apparatus and equipment prescribed
11 in rules promulgated by the director sufficient for the ready and
12 full teaching of each subject in the curriculum.

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

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

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

24 (f) At the time of the enrollment of a student, shall furnish
25 the student a financial contract showing the total cost and all
26 charges involved in the complete course of study. Advertising
27 matter put out by schools, when mentioning the cost of tuition or
28 related subjects, shall furnish the same financial information as
29 described in this subsection.



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

(4) The department may issue a limited school of cosmetology license to a school teaching only electrology. A school of cosmetology whose license is limited to teaching only electrology shall fulfill all of the requirements of this section, except that daily supervision of the school shall be provided by an electrology instructor and the curriculum offered and equipment and facilities required shall be only those required for the teaching of electrology.

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

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

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

(c) Permit a cosmetology student or apprentice to practice on



1 the public only after completing at least 350 hours of instruction
2 in the general cosmetology curriculum, including both theory and
3 practical hours. A student or apprentice in a natural hair
4 cultivation, manicuring, skin care, or electrology curriculum may
5 practice on the public only after completing at least 1/4 of the
6 hours required by the applicable curriculum, including both theory
7 and practical hours.

8 (6) For the purposes of subsection (2)(a) and section 1207(d),
9 if a student of a school of cosmetology has successfully completed
10 hours of instruction at a state barber college that are
11 substantially similar in content to hours of instruction included
12 in the educational program of the school of cosmetology and the
13 student is licensed as a barber under article 11, the school of
14 cosmetology may allow the student to substitute those hours of
15 substantially similar instruction for hours of instruction at the
16 school of cosmetology. However, a school of cosmetology shall not
17 allow a student to substitute more than 1,000 hours of
18 substantially similar instruction from a state barber college for
19 hours of instruction at the school of cosmetology under this
20 subsection. The department by rule shall establish criteria for
21 determining whether an hour of instruction at a state barber
22 college is substantially similar to an hour of instruction at a
23 school of cosmetology. As used in this subsection and subsection
24 (7), "state barber college" means a barber college that is licensed
25 under article 11.

26 (7) A school of cosmetology and a state barber college may
27 occupy the same building and share facilities.

28 (8) ~~(6)~~ The transfer of ownership or location of a school of
29 cosmetology voids the license. The filing of a new license



1 application is a predicate to the change in ownership or location
2 of a school.

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

