

Act No. 20  
Public Acts of 2020  
Approved by the Governor  
January 27, 2020  
Filed with the Secretary of State  
January 27, 2020  
EFFECTIVE DATE: April 26, 2020

**STATE OF MICHIGAN  
100TH LEGISLATURE  
REGULAR SESSION OF 2020**

Introduced by Senator Nesbitt

## **ENROLLED SENATE BILL No. 434**

AN ACT to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 1201, 1203, 1203b, 1204, 1205, 1211, 1217, and 1218 (MCL 339.1201, 339.1203, 339.1203b, 339.1204, 339.1205, 339.1211, 339.1217, and 339.1218), sections 1201, 1205, 1211, 1217, and 1218 as amended and section 1203b as added by 1997 PA 97 and section 1204 as amended by 2003 PA 57, and by adding section 1205a; and to repeal acts and parts of acts.

*The People of the State of Michigan enact:*

Sec. 1201. As used in this article:

- (a) “Apprentice” means an individual who is engaged in learning cosmetology in a cosmetology establishment.
- (b) “Braiding” means providing or offering to the general public for compensation any of the following services solely for development or improvement of physical qualities of the natural hair structure:
  - (i) Intertwining in a systematic motion to create patterns in a 3-dimensional form.
  - (ii) Inversion or outversion flat against the scalp along the part of a straight or curved row.
  - (iii) Twisting in a systematic motion.
  - (iv) Extension with natural or synthetic fibers.
- (c) “Cosmetologist” means an individual who performs or offers to perform 1 or more cosmetology services.
- (d) “Cosmetology” means performing 1 or more cosmetology services.
- (e) “Cosmetology establishment” means a place of business at which 1 or more cosmetology services are offered or provided. Cosmetology establishment includes a mobile salon and a cosmetology suite. Cosmetology establishment does not include a school of cosmetology.
- (f) “Cosmetology services” means any of the following:
  - (i) Hair care services.

- (ii) Skin care services.
- (iii) Manicuring services.
- (iv) Electrology.

(g) "Cosmetology suite" means a room or suite located inside a licensed cosmetology establishment that is leased or rented from the owner of the cosmetology establishment for the purposes of offering or providing 1 or more cosmetology services.

(h) "Electrologist" means an individual who performs or offers to perform electrology.

(i) "Electrology" means the permanent removal of hair from the body of an individual by the use of electricity.

(j) "Esthetician" means an individual who performs or offers to perform skin care services.

(k) "Hair care services" means arranging, cutting, dressing, curling, waving, cleansing, singeing, bleaching, coloring, tinting, trimming, styling, relaxing, perming, straightening, or similar work upon the hair of the head or a wig that an individual is wearing.

(l) "Instructor" means an individual who teaches or offers to teach 1 or more cosmetology services in a school of cosmetology.

(m) "Manicuring services" means the cleansing, filing, shaping, buffing, polishing, or beautifying of the nails of the hands or feet, and the cleansing, massaging, stimulating, exercising, or beautifying of the skin of the hands, arms, and feet, manually or with the use of tools, appliances, or cosmetic preparations, including the repair of nails, or the creation or decoration of artificial nails. Manicuring services do not include the practice of podiatric medicine and podiatric surgery as defined in section 18001 of the public health code, 1978 PA 368, MCL 333.18001.

(n) "Manicurist" means an individual who performs or offers to perform manicuring services.

(o) "Mobile salon" means either of the following:

(i) A self-contained vehicle or other device that is moved, towed, or transported from 1 location to another and in which equipment used to perform 1 or more cosmetology services is installed.

(ii) A business in which equipment used to perform 1 or more cosmetology services is transported to and used on a temporary basis at a location other than the premises of the owner, including, but not limited to, any of the following:

(A) A cosmetology establishment owned by another person.

(B) A client's home.

(p) "Natural hair cultivation" means techniques that result in tension on hair strands such as twisting, wrapping, weaving, extending, locking, or braiding of the hair by hand, if that work does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair.

(q) "Natural hair culturist" means an individual who is engaged in natural hair cultivation but does not include an individual who is engaged in natural hair cultivation if that activity is performed as part of the practice of a recognized religion.

(r) "Owner" means a person who owns and conducts a cosmetology establishment or a school of cosmetology.

(s) For a mobile salon, "premises" means 1 of the following, as applicable:

(i) For a mobile salon described in subdivision (o)(i), the vehicle or other device and the equipment installed in the vehicle or device.

(ii) For a mobile salon described in subdivision (o)(ii), the equipment used to perform the cosmetology services, and the temporary location at which the equipment is used, while the equipment is at that location.

(t) "School of cosmetology" means a school that teaches 1 or more cosmetology services at a premises designated in the license application.

(u) "Skin care services" includes the following services or combination of services:

(i) Beautifying the skin of the body of an individual by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, including body wrapping.

(ii) Cleansing or stimulating the skin of the body by the use of the hands, devices, apparatus, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(iii) The temporary removal of hair from the body of an individual by the use of depilatories, waxes, razors, scissors, clippers, or tweezers.

(iv) Giving facials, applying removable makeup, applying eyelashes, or any other application of a preparation or beauty enhancement to the body of an individual but does not include applying permanent makeup or the use of tanning equipment.

(v) "Student" means an individual who is engaged in learning cosmetology or 1 or more cosmetology services in a school of cosmetology.

Sec. 1203. (1) The department in consultation with the board shall promulgate rules that establish sanitation standards that the department considers necessary, with particular reference to the precautions necessary to be employed to prevent the spreading of an infectious or contagious disease, and shall arrange for any inspections that the department considers necessary to safeguard the public health.

(2) The department in consultation with the board shall promulgate rules for the operation of mobile salons and the performance of cosmetology services in or at the premises of mobile salons. The department shall promulgate the rules described in this subsection within 1 year after the effective date of the amendatory act that added this subsection. The rules shall include sanitation standards that meet the requirements of subsection (1) and may establish 1 or more of the following for providing cosmetology services in a mobile salon:

- (a) Safety requirements.
- (b) Permanent address requirements at which 1 or more of the following are located:
  - (i) Records of appointments.
  - (ii) License numbers of employees.
  - (iii) If applicable, the vehicle identification number of the license holder's self-contained facility.
- (c) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

Sec. 1203b. A person shall not operate a cosmetology establishment or school of cosmetology without a cosmetology establishment or school of cosmetology license issued under this article.

Sec. 1204. (1) The department shall issue a license to a person to operate a cosmetology establishment, at the premises specified in the license application, if all of the following requirements are met:

- (a) An application is submitted to the department by the owners or managers of the establishment.
  - (b) The application includes the address of the premises of the establishment and a drawing or diagram that shows the location of required equipment and facilities, and if the establishment is adjacent to a dwelling or school of cosmetology, that the premises of the establishment are completely separated by full partitions and doors from the dwelling or school.
  - (c) The establishment and its premises have satisfactorily passed an inspection conducted by the department for the purpose of determining whether the establishment and premises meet the sanitation and equipment standards prescribed in rules promulgated by the director and any other applicable requirements of this article.
- (2) The owner of a cosmetology establishment shall do all of the following:
- (a) Ensure that the establishment is completely separated by full partitions and doors from a dwelling or the premises of a school of cosmetology.
  - (b) Display its license for the establishment and the license of each cosmetologist who works in the establishment in a prominent place in the establishment that is visible to the public at all times. The owner may post the license of a cosmetologist who works in the establishment at his or her work station.
- (3) The department may issue a limited cosmetology establishment license to a person that seeks to provide only 1 or more cosmetology services on the premises of the establishment. A licensed cosmetologist who is working in the premises of a limited licensed cosmetology establishment shall not perform cosmetology services that the owner is not licensed to provide in the establishment.
- (4) An owner's cosmetology establishment license is considered void if there is a sale or other transfer of the cosmetology establishment, a sale or other transfer of ownership, or, except for a mobile salon, a change in the location of the cosmetology establishment. A person whose license is void under this subsection must submit a new license application and obtain a new license to continue to provide cosmetology services.
- (5) This section does not apply to a cosmetology establishment that is a mobile salon until the effective date of the rules promulgated under section 1203 for the operation of mobile salons.

Sec. 1205. (1) The department shall issue a license to a person to operate a school of cosmetology, at the premises specified in the license application, if all of the following requirements are met:

- (a) An application is submitted to the department by the owner or manager of the school.
- (b) The application includes the address of the premises of the school and, except as provided in subsection (7), a drawing or diagram of the premises that shows that the premises are fully partitioned from any other activity, business, or dwelling. The drawing or diagram must also indicate the location of required equipment and facilities.
- (c) The applicant has filed a cash or surety bond of \$10,000.00 with the department, in favor of the people of this state for the use and benefit of students, and conditioned on the faithful performance and satisfaction of the contractual rights of students.

(d) Provisions have been made for the daily supervision of the school by a licensed cosmetology instructor who has at least 3 years' experience in all services of cosmetology that are taught in the school.

(e) The school and its premises have successfully passed an inspection by the department conducted for the purpose of determining whether the school and premises meet the standards set forth in this article and rules promulgated by the director.

(2) A school of cosmetology shall meet all of the following requirements:

(a) Subject to subsection (6), maintain a course of practical training and technical instruction, as outlined in the various curricula set forth in rules promulgated by the director, equal to the requirements for prelicensure training under this article. A school of cosmetology shall teach hair care services, skin care services, and manicuring services and may hold a limited license for the teaching of electrology. If the owner of a school of cosmetology holds a license that limits the school to only the teaching of electrology, the school shall teach only electrology and not any other cosmetology service.

(b) Possess efficient apparatus and equipment prescribed in rules promulgated by the director that are sufficient for the ready and full teaching of each subject in the curriculum.

(c) Employ or engage at least 1 licensed instructor, who is competent to provide instruction in each subject of its curriculum, for every 20 students.

(d) Operate for teaching purposes only.

(e) Allow instructors to practice on the public only to demonstrate techniques to students and to correct the work of students.

(f) If a specialist demonstrator gives a classroom demonstration, ensure that a licensed instructor supervises the demonstration.

(g) The premises of the school are completely separated by full partitions and doors from any other activity, business, or dwelling.

(h) Display its license for the school of cosmetology and the license of each instructor who works in the school in a prominent place in the school that is visible to the public at all times.

(i) Display a sign in the school that states that services are performed by students of the school.

(j) At the time he or she enrolls in the school, provide to each student a financial contract that states the total cost and all charges involved in the complete course of study.

(k) In any advertising materials distributed or published by the school that refer to the cost of tuition or related subjects, include the same financial information described in subdivision (j).

(3) The owner of a school of cosmetology shall ensure that the school meets the requirements of subsection (2).

(4) The department may issue a limited school of cosmetology license to the owner of a school that teaches only electrology. A school of cosmetology that is authorized to teach only electrology shall meet all of the requirements of this section, except that only an instructor who is authorized to perform electrology may provide the daily supervision of the school that is required under subsection (1)(d), and the curriculum offered and equipment and facilities required shall be only those required for the teaching of electrology.

(5) An owner's school of cosmetology license is considered void if there is a sale or other transfer of the school, a sale or other transfer of ownership, or a change in the location of the school. A person whose license is void under this subsection must submit a new license application and obtain a new license to continue to operate a school of cosmetology.

(6) For the purposes of subsection (2)(a) and section 1207(d), if a student of a school of cosmetology is licensed as a barber under article 11, the school of cosmetology may allow the student to substitute hours of instruction completed at a state barber college for hours of instruction that are substantially similar in content to hours of instruction at the school of cosmetology. However, a school of cosmetology shall not allow a student to substitute more than 1,000 hours of substantially similar instruction from a state barber college for hours of instruction at the school of cosmetology under this subsection. The department by rule shall establish criteria for determining whether an hour of instruction at a state barber college is substantially similar to an hour of instruction at a school of cosmetology. As used in this subsection and subsection (7), "state barber college" means a barber college that is licensed under article 11.

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

Sec. 1205a. (1) The owner of a school of cosmetology, or the owner of a cosmetology establishment that conducts an apprenticeship program, shall ensure that the school or apprenticeship program meets all of the following requirements:

(a) A student or apprentice is not required to be in attendance for more than 40 hours per week.

(b) A daily record of the attendance of each student or apprentice is maintained and a copy of the record is sent to the department monthly.

(c) A grading system for students or apprentices is established.

(d) A student or apprentice is required to pass an examination before the owner of the school or establishment certifies to the department that he or she has completed training.

(e) A student or apprentice is only permitted to practice on members of the public after he or she completes at least 350 hours of instruction in the general cosmetology curriculum, including both theory and practical hours. A student or apprentice in a natural hair cultivation, manicuring, skin care, or electrology curriculum may only practice on the public after he or she completes at least 1/4 of the hours required by the applicable curriculum, including both theory and practical hours.

(f) Before the school begins training a student, or the establishment accepts an apprentice, the owner of the school or establishment obtains proof that the student or apprentice has a high school education, or the equivalent of a high school education. This subdivision does not apply to a student who is enrolling in a program offered as a part of the regular curriculum of a public school and approved by the state board of education.

(g) Before the school begins training a student, or the establishment accepts an apprentice, the owner of the school or establishment submits an application to the department on behalf of the student or apprentice. The owner of the school or establishment shall retain a copy of the proof of education described in subdivision (f), if applicable, and the application described in this subdivision in the records of the school or establishment until the student or apprentice applies for examination to obtain a license.

(2) The owner of a cosmetology establishment that conducts an apprenticeship program shall not charge a fee for the teaching of cosmetology services to apprentices on the premises.

(3) The owner of a cosmetology establishment where 1 apprentice has been successfully trained may allow the training of additional apprentices at the establishment, except that not more than 2 apprentices may be trained at the same time.

(4) If the location of a cosmetology establishment where an apprenticeship program is conducted changes, the owner of the cosmetology establishment may continue the apprenticeship program at the new location if a new license is issued under section 1204(4), and an apprentice who was receiving training at the original location may continue to receive training at the new location.

Sec. 1211. (1) An individual who is licensed to perform cosmetology services under the laws of another state may submit an application to the department, and the department shall without examination issue a license to perform those services if the department determines that all of the following are met:

(a) The applicant is at least 17 years old.

(b) The applicant is of good moral character, and the requirements for registration or licensure in the particular state were substantially equal to the requirements then in effect in this state.

(c) The applicant establishes that sanctions have not been imposed against him or her by a similar licensing or registration board of any other state.

(2) Years or months of experience may be substituted for hours of training in a ratio of 100 hours of training credited for each 6 months of experience.

(3) An individual who is applying for licensure based on qualifications he or she acquired outside of the United States shall provide proof of training or experience, or both. The department may determine whether or not an applicant is eligible for a license without examination.

Sec. 1217. A licensee that commits or has committed 1 or more of the following is subject to the penalties set forth in article 6:

(a) Continued practice by an individual who knows he or she has an infectious or contagious disease.

(b) Except as otherwise provided in this subdivision, practicing cosmetology on the public outside of the premises of a licensed cosmetology establishment or school of cosmetology. A licensed cosmetologist may perform cosmetology services for a patron at a location that is not on the premises of a licensed cosmetology establishment if the services are performed at any of the following:

(i) A special event in which the cosmetology service is required to be performed for an on-site participant of the event.

(ii) A nursing home, as that term is defined in section 20109 of the public health code, 1978 PA 368, MCL 333.20109, for a patient or resident of that home.

(iii) A home for the aged, as that term is defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106, for a patient or resident of that home.

(iv) An adult foster care facility, as that term is defined in section 3 of the adult foster care facility licensing act, 1979 PA 218, MCL 400.703, for a patient or resident of that facility.

(v) A hospital, as that term is defined in section 20106 of the public health code, 1978 PA 368, MCL 333.20106, for a patient of that hospital.

Sec. 1218. (1) The department shall regularly inspect each cosmetology establishment and school of cosmetology to determine whether the licensee is conforming to this article and the rules promulgated under this article.

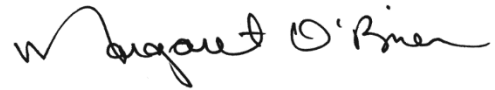
(2) A representative of the department may enter and inspect, during regular business hours, a cosmetology establishment or school of cosmetology for purposes of subsection (1).

(3) A representative of the department, when inspecting a cosmetology establishment or school of cosmetology, may require an individual who is working in the establishment or school to present identification in order to substantiate his or her identity as the holder of a posted license.

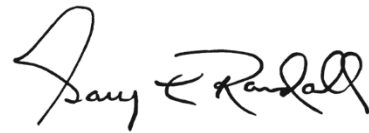
Enacting section 1. Section 1214 of the occupational code, 1980 PA 299, MCL 339.1214, is repealed.

Enacting section 2. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved \_\_\_\_\_

\_\_\_\_\_  
Governor