

SENATE SUBSTITUTE FOR
HOUSE BILL NO. 4335

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~~ **that requires** completion of 225 hours
7 of classroom study, demonstrations, and recitations and 1,575 hours



1 of practical barber training.

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

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

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

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

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

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

23 (g) Provides reasonable classroom facilities and other
24 equipment for the proper instruction of students described in this
25 subdivision and rules promulgated by the board, including 1
26 stationary wash basin with hot and cold running water and a
27 connected drain for every 2 barber chairs. A barber college shall
28 arrange its enrollment and course scheduling so that students are
29 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
28 of instruction a barber college is required to provide for each
29 subject set forth in subsection (4). Each barber college shall



1 provide a written copy of the rules to each student at the
2 beginning of his or her instruction.

3 (6) For the purposes of subsection (1)(b) and section
4 1108(1)(c), if a student of a barber college is licensed as a
5 cosmetologist under article 12, the barber college may allow the
6 student to substitute hours of instruction completed at a state
7 school of cosmetology for hours of instruction that are
8 substantially similar in content to hours of instruction at the
9 barber college. However, a barber college shall not allow a student
10 to substitute more than 1,000 hours of substantially similar
11 instruction from a state school of cosmetology for hours of
12 instruction at the barber college under this subsection. The
13 department by rule shall establish criteria for determining whether
14 an hour of instruction at a state school of cosmetology is
15 substantially similar to an hour of instruction at a barber
16 college. As used in this subsection and subsection (7), "state
17 school of cosmetology" means a school of cosmetology that is
18 licensed under article 12.

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

21 (8) ~~(6)~~ A barber college shall display the license of the
22 barber college and all instructors, student instructors, and
23 students in a prominent place visible to the public at all times.
24 An individual's license may be displayed at the individual's work
25 station.

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



1 (a) An application is submitted **to the department** by the owner
2 or manager of the school.

3 (b) The application includes **the address of the premises of**
4 **the school and, except as provided in subsection (7),** a drawing or
5 diagram ~~that indicates of~~ the premises ~~to be licensed, showing that~~
6 **shows** that the premises are fully partitioned from any other
7 activity, business, or dwelling. The **drawing or diagram must also**
8 **indicate the** location of required equipment and facilities. ~~shall~~
9 ~~also be shown on the diagram.~~

10 (c) ~~A~~ **The applicant has filed a** cash or surety bond of
11 \$10,000.00 ~~has been furnished with the department,~~ in favor of the
12 people of this state for the use and benefit of students, and
13 conditioned ~~upon~~ **on** the faithful performance and satisfaction of
14 the contractual rights of students.

15 (d) Provisions have been made for the ~~school to be under the~~
16 daily supervision of ~~a licensed~~ **the school by a licensed**
17 **cosmetology** instructor who has at least 3 years' experience in all
18 services of cosmetology ~~being that are~~ taught in the school.

19 (e) The **school and its** premises ~~has have~~ successfully passed
20 an inspection by the department conducted for the purpose of
21 determining whether the school ~~has met~~ **and premises meet** the
22 standards set forth in this article and rules promulgated by the
23 director.

24 (2) A school of cosmetology shall ~~fulfill~~ **meet** all of the
25 following requirements:

26 (a) ~~Shall maintain~~ **Subject to subsection (6), maintain** a
27 course of practical training and technical instruction, as outlined
28 in the various curricula set forth in rules promulgated by the
29 director, equal to the requirements for prelicensure training under



1 this article. A school of cosmetology shall teach hair care
 2 services, skin care services, and manicuring services and may hold
 3 a limited license for the teaching of electrology. ~~However, If the~~
 4 **owner of** a school of cosmetology ~~with a holds a~~ license limited
 5 **that limits the school to** only ~~to~~ the teaching of electrology, **the**
 6 **school** shall teach only electrology and not any other cosmetology
 7 service.

8 (b) ~~Shall possess~~ **Possess** efficient apparatus and equipment
 9 prescribed in rules promulgated by the director **that are** sufficient
 10 for the ready and full teaching of each subject in the curriculum.

11 (c) ~~Shall maintain 1 person licensed as an~~ **Employ or engage at**
 12 **least 1 licensed** instructor, **who is** competent to ~~impart~~ **provide**
 13 instruction in each subject of its curriculum, for every 20
 14 students.

15 (d) ~~Shall be operated~~ **Operate** for teaching purposes only.

16 (e) ~~Instructors shall~~ **Allow instructors to** practice on the
 17 public only to demonstrate techniques to students and to correct
 18 the work of students.

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

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

25 (h) ~~(e) Shall provide for the display of the~~ **Display its**
 26 license ~~of~~ **for** the school of cosmetology and **the license** of each
 27 instructor ~~working~~ **who works** in the school in a prominent place **in**
 28 **the school** that is visible to the public at all times.

29 (i) ~~A sign shall be displayed indicating~~ **Display a sign in the**



1 **school that states** that services are ~~rendered~~**performed** by students
2 of the school.

3 ~~(j) (f) At the time of the enrollment of a student, shall~~
4 ~~furnish the~~ **he or she enrolls in the school, provide to each**
5 student a financial contract ~~showing that states~~ the total cost and
6 all charges involved in the complete course of study.

7 ~~(k) Advertising matter put out by schools, when mentioning~~ **In**
8 **any advertising materials distributed or published by the school**
9 **that refer to** the cost of tuition or related subjects, ~~shall~~
10 ~~furnish~~ **include** the same financial information ~~as described in this~~
11 ~~subsection.~~ **subdivision (j).**

12 ~~(3) A cosmetology establishment exacting a fee for the~~
13 ~~teaching of cosmetology or 1 or more services of cosmetology is~~
14 ~~considered a school of cosmetology and is required to comply with~~
15 ~~this section. A cosmetology establishment conducting an~~
16 ~~apprenticeship program without charging a fee for the teaching of~~
17 ~~cosmetology shall comply with subsection (5). A cosmetology~~
18 ~~establishment which has successfully trained 1 apprentice is~~
19 ~~eligible to train additional apprentices except that a cosmetology~~
20 ~~establishment shall not have more than 2 apprentices at the same~~
21 ~~time.~~ **The owner of a school of cosmetology shall ensure that the**
22 **school meets the requirements of subsection (2).**

23 ~~(4) The department may issue a limited school of cosmetology~~
24 license to **the owner of** a school ~~teaching only that teaches only~~
25 electrology. A school of cosmetology ~~whose license is limited to~~
26 ~~teaching only that is authorized to teach only~~ electrology shall
27 ~~fulfill~~ **meet** all of the requirements of this section, except that
28 **only an instructor who is authorized to perform electrology may**
29 **provide the** daily supervision of the school ~~shall be provided by an~~



1 ~~electrology instructor that is required under subsection (1) (d),~~
 2 and the curriculum offered and equipment and facilities required
 3 shall be only those required for the teaching of electrology.

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

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

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

14 ~~(c) Permit a cosmetology student or apprentice to practice on~~
 15 ~~the public only after completing at least 350 hours of instruction~~
 16 ~~in the general cosmetology curriculum, including both theory and~~
 17 ~~practical hours. A student or apprentice in a natural hair~~
 18 ~~cultivation, manicuring, skin care, or electrology curriculum may~~
 19 ~~practice on the public only after completing at least 1/4 of the~~
 20 ~~hours required by the applicable curriculum, including both theory~~
 21 ~~and practical hours.~~

22 ~~(6) The transfer of ownership or location of a school of~~
 23 ~~cosmetology voids the license. The filing of a new license~~
 24 ~~application is a predicate to the change in ownership or location~~
 25 ~~of a school.~~

26 **(5) An owner's school of cosmetology license is considered**
 27 **void if there is a sale or other transfer of the school, a sale or**
 28 **other transfer of ownership, or a change in the location of the**
 29 **school. A person whose license is void under this subsection must**



1 submit a new license application and obtain a new license to
2 continue to operate a school of cosmetology.

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

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

20 ~~(6) The transfer of ownership or location of a school of~~
21 ~~cosmetology voids the license. The filing of a new license~~
22 ~~application is a predicate to the change in ownership or location~~
23 ~~of a school.~~

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

