

HOUSE BILL No. 5071

June 10, 2009, Introduced by Reps. Dean, Roy Schmidt, Lemmons, Gonzales, Kandrevas, Bledsoe, Robert Jones, Bettie Scott, Hammel, Polidori, Stanley, Espinoza, Melton, Lipton, Durhal, Johnson, Jackson, Tlaib, Switalski and Bauer and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1203a, 1207, and 1211 (MCL 339.1203a,
339.1207, and 339.1211), section 1203a as added and sections 1207
and 1211 as amended by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1203a. (1) An individual shall not render any form of
2 cosmetology services, with or without compensation, on any
3 individual other than a member of his or her immediate family
4 without a license under this article. However, this article does
5 not apply to an individual, person, or premises licensed under
6 article 11 while rendering the services of a barber. **THE**
7 **PROHIBITION IN THIS SUBSECTION REGARDING THE PERFORMING OF**

1 COSMETOLOGY SERVICES OR OBTAINING OF COMPENSATION DOES NOT APPLY TO
2 A STUDENT OR APPRENTICE COSMETOLOGIST PERFORMING CERTAIN SERVICES
3 UNDER SUPERVISION OF THE COSMETOLOGY SCHOOL OR COSMETOLOGY
4 ESTABLISHMENT TRAINING THE STUDENT OR APPRENTICE. A STUDENT OR
5 APPRENTICE PERFORMING SERVICES IS SUBJECT TO THE MINIMUM 350-HOUR
6 INSTRUCTION COMPLETION REQUIREMENT OF SECTION 1205(5)(C).

7 (2) An individual licensed as a cosmetologist under this
8 article may render hair care services, skin care services, natural
9 hair cultivation, and manicuring services as part of the practice
10 of cosmetology, but shall not render electrology without being
11 licensed as an electrologist.

12 (3) The department may license an individual to render
13 manicuring services, natural hair cultivation, or skin care
14 services in accordance with his or her training. An individual
15 licensed as a manicurist, natural hair culturist, or esthetician
16 shall only render that particular service and shall not render any
17 other cosmetology service without being licensed for that service.
18 An individual licensed as a manicurist, natural hair culturist, or
19 esthetician shall not render electrology without being licensed as
20 an electrologist.

21 (4) An individual licensed as an electrologist shall render
22 only electrology services and shall not render any other
23 cosmetology service without separately being licensed to render
24 those services.

25 Sec. 1207. The department shall issue a cosmetologist license
26 to an individual who fulfills all of the following requirements:

27 (a) Is not less than 17 years of age.

1 (b) Is of good moral character.

2 (c) Has had an education equivalent to the completion of the
3 ninth grade.

4 (d) Has completed either not less than a 1,500-hour course of
5 study in a licensed school of cosmetology or has served as an
6 apprentice for not less than 2 years in a licensed cosmetology
7 establishment in which hair care services, skin care services, and
8 manicuring services are offered. The training shall include a
9 minimum number of practical applications as prescribed in rules
10 promulgated by the director. **THE DEPARTMENT SHALL, BY RULE,**
11 **DETERMINE A MAXIMUM AMOUNT OF TRAINING COURSE HOURS SUCCESSFULLY**
12 **COMPLETED BY AN APPLICANT FOR A COSMETOLOGY LICENSE IN ANOTHER**
13 **STATE OR COUNTRY, TO BE DOCUMENTED BY THE APPLICANT FOR CREDIT**
14 **TOWARD THE 1,500-HOUR COURSE OF STUDY REQUIRED UNDER THIS**
15 **SUBSECTION.**

16 (e) Has passed an examination prescribed by the department and
17 the board.

18 Sec. 1211. (1) Upon submission of an application to the
19 department, an individual licensed to perform cosmetology services
20 under the laws of another state shall, without examination, be
21 granted a license to practice the services for which that
22 individual was previously licensed if the applicant is not less
23 than 17 years of age, is of good moral character, and the
24 requirements for registration or licensure in the particular state
25 were substantially equal to the requirements then in force in this
26 state. **THE DEPARTMENT, NOT LATER THAN 12 MONTHS AFTER THE EFFECTIVE**
27 **DATE OF THE AMENDATORY ACT THAT AMENDED THIS SUBDIVISION, SHALL**

1 ADOPT AN ABBREVIATED BUT SUBSTANTIVELY EQUIVALENT EXAMINATION THAT
2 APPLIES TO STUDENTS OR APPRENTICES HAVING DOCUMENTED EXPERIENCE AND
3 TRAINING IN ANOTHER STATE OR COUNTRY AND TAKES INTO CONSIDERATION
4 THE PREVIOUS LEVELS OF ACCOMPLISHMENT OF THOSE STUDENTS AND
5 APPRENTICES. WHERE NECESSARY, THE DEPARTMENT SHALL ACCOMMODATE THE
6 STUDENT OR APPRENTICE WITH AN INTERPRETER AND ALLOW THE WRITTEN
7 PORTION OF ANY EXAMINATION TO BE ANSWERED IN HIS OR HER NATIVE
8 TONGUE.

9 (2) Years or months of experience may be substituted for hours
10 of training in a ratio of 100 hours of training credited for each 6
11 months of experience. An individual applying for licensure having
12 qualifications acquired outside of the United States shall provide
13 proof of training or experience, or both. The department may
14 determine whether or not an applicant is qualified to be licensed
15 without examination.