

**SUBSTITUTE FOR
HOUSE BILL NO. 5684**

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1201 and 1210 (MCL 339.1201 and 339.1210),
section 1201 as amended by 2020 PA 20 and section 1210 as amended
by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1201. As used in this article:

2 (a) "Apprentice" means an individual who is engaged in
3 learning cosmetology in a cosmetology establishment.

4 (b) "Braiding" means providing or offering to the general
5 public for compensation any of the following services solely for
6 development or improvement of physical qualities of the natural
7 hair structure:

1 (i) Intertwining in a systematic motion to create patterns in a
2 3-dimensional form.

3 (ii) Inversion or outversion flat against the scalp along the
4 part of a straight or curved row.

5 (iii) Twisting in a systematic motion.

6 (iv) Extension with natural or synthetic fibers.

7 (c) "Cosmetologist" means an individual who performs or offers
8 to perform 1 or more cosmetology services.

9 (d) "Cosmetology" means performing 1 or more cosmetology
10 services.

11 (e) "Cosmetology establishment" means a place of business at
12 which 1 or more cosmetology services are offered or provided.
13 Cosmetology establishment includes a mobile salon and a cosmetology
14 suite. Cosmetology establishment does not include a school of
15 cosmetology.

16 (f) "Cosmetology services" means any of the following:

17 (i) Hair care services.

18 (ii) Skin care services.

19 (iii) Manicuring services.

20 (iv) Electrology.

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

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

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

29 (j) "Esthetician" means an individual who performs or offers

1 to perform skin care services.

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

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

9 (m) "Manicuring services" means the cleansing, filing,
10 shaping, buffing, polishing, or beautifying of the nails of the
11 hands or feet, and the cleansing, massaging, stimulating,
12 exercising, or beautifying of the skin of the hands, arms, and
13 feet, manually or with the use of tools, appliances, or cosmetic
14 preparations, including the repair of nails, or the creation or
15 decoration of artificial nails. Manicuring services do not include
16 the practice of podiatric medicine and podiatric surgery as defined
17 in section 18001 of the public health code, 1978 PA 368, MCL
18 333.18001.

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

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

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

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

1 (A) A cosmetology establishment owned by another person.

2 (B) A client's home.

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

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

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

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

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

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

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

28 (u) "Skin care services" includes the ~~following~~ services or
29 combination of services **described in section 1210(2)**. ÷

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

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

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

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

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

18 Sec. 1210. (1) ~~After the expiration of 12 months after the~~
 19 ~~effective date of the 1997 amendatory act that amended this~~
 20 ~~section, the~~ **The** department shall issue a license as an esthetician
 21 to an individual who fulfills all of the following requirements:

22 (a) ~~Is at least~~ **not less than** 17 years of age.

23 (b) Is of good moral character.

24 (c) Has had an education equivalent to the completion of the
 25 ninth grade.

26 (d) Has completed not less than 400 hours of training either
 27 in a licensed school of cosmetology or as an apprentice for not
 28 less than 6 months in a licensed cosmetology establishment where
 29 skin care services are rendered. The training ~~shall~~ **must** include a

1 minimum number of practical applications as prescribed in rules
2 promulgated by the ~~director~~.**department.**

3 (e) If an examination is available, has passed an examination
4 prescribed by the board and the department.

5 ~~(2) Until the expiration of 12 months after the effective date~~
6 ~~of the 1997 amendatory act that added this subsection, the~~
7 ~~department shall issue a license as an esthetician to an individual~~
8 ~~who fulfills all of the following requirements:~~

9 ~~(a) Is at least 17 years of age.~~

10 ~~(b) Is of good moral character.~~

11 ~~(c) Has had an education equivalent to the completion of the~~
12 ~~ninth grade.~~

13 ~~(d) Provides evidence of having obtained the equivalent of 6~~
14 ~~months of full-time experience in skin care services in this or any~~
15 ~~other state within the 12 months immediately preceding the date of~~
16 ~~application.~~

17 **(2) (e) If an examination is available, has passed an**
18 **examination prescribed by the board and the department.****An**
19 **esthetician or a cosmetologist may perform the following skin care**
20 **services or combination of skin care services:**

21 **(a) Beautifying the skin of the body of an individual by using**
22 **cosmetic preparations, antiseptics, tonics, lotions, or creams,**
23 **including body wrapping.**

24 **(b) Cleansing or stimulating the skin of the body of an**
25 **individual by using the hands, devices, apparatus, noninvasive**
26 **light, or appliances, with or without using cosmetic preparations,**
27 **antiseptics, tonics, lotions, or creams.**

28 **(c) The temporary removal of hair from the body of an**
29 **individual by using hands-only techniques in combination with**

1 depilatories, waxes, razors, scissors, clippers, thread, or
2 tweezers.

3 (d) Facials, applying removable makeup, eyelashes, or any
4 other application of a preparation or beauty enhancement to the
5 body of an individual, not including permanent makeup or the use of
6 tanning equipment, except for spray tan equipment.

7 (e) Exfoliating only the dead skin cells of an individual. An
8 esthetician or cosmetologist may use a product, chemical,
9 mechanical device, electrical service, or class 1 medical device to
10 exfoliate the dead skin cells.

11 (f) Dermaplaning.

12 (g) Microdermabrasion or nonmedical grade hydrodermabrasion.
13 An individual who was issued an esthetician license or
14 cosmetologist license before the effective date of the amendatory
15 act that added this subdivision shall not perform a service listed
16 under this subdivision unless the individual has documented
17 training to perform the service.

18 (h) Applying a nonmedical grade chemical peel.

19 (i) High-frequency treatment.

20 (j) Eyebrow services, including lamination and tinting.
21 Eyebrow tinting must be performed with a product that does not last
22 for more than 6 weeks.

23 (k) Eyelash services, including extensions and tinting.

24 (l) Facial cupping.

25 (3) An esthetician or cosmetologist who performs a skin care
26 service shall comply with part 138 of the public health code, 1978
27 PA 368, MCL 333.13801 to 333.13832, for the disposal of medical
28 waste. "Medical waste" means that term as defined in section 13805
29 of the public health code, 1978 PA 368, MCL 333.13805.

1 (4) An esthetician or cosmetologist who performs a light
2 therapy service shall use only noninvasive light therapy that meets
3 both of the following requirements:

4 (a) Is approved by the United States Food and Drug
5 Administration.

6 (b) Does not penetrate into an individual's layers of living
7 skin.

8 (5) This section does not prohibit an esthetician or
9 cosmetologist from performing an act, task, or function related to
10 a skin care service under the delegation of a physician under
11 section 16215 of the public health code, 1978 PA 368, MCL
12 333.16215.

13 (6) Not later than 18 months after the effective date of the
14 amendatory act that added this subsection, the department shall
15 promulgate rules under the administrative procedures act of 1969,
16 1969 PA 306, MCL 24.201 to 24.328, to implement this section.

17 (7) As used in this section:

18 (a) "Class 1 medical device" means a low-risk device that
19 requires minimal regulatory oversight and is used for basic
20 aesthetic procedures, including, but not limited to, LED light
21 therapy and noninvasive skin care tools, such as galvanic current
22 at not less than 0.1 and not more than 0.5 milliamperes for a
23 duration of not more than 20 minutes, and microcurrent that does
24 not cause visible contractions.

25 (b) "High-frequency treatment" means a skin care service that
26 uses electrical current of not less than 5 megahertz to treat
27 various conditions, including, but not limited to, acne, wrinkles,
28 and skin renewal.

29 (c) "Nonmedical grade" means a product or material that is not

1 **certified for medical use only.**

2 Enacting section 1. This amendatory act does not take effect
3 unless House Bill No. 5683 of the 102nd Legislature is enacted into
4 law.