

**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 a school of cosmetology if all of the
28 following requirements are met:

29 (a) An application is submitted by the owner or manager of the



1 school.

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

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

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

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

20 (2) A school of cosmetology shall fulfill all of the following
 21 requirements:

22 (a) ~~Shall~~ **Subject to subsection (6), shall** maintain a course
 23 of practical training and technical instruction, as outlined in the
 24 various curricula set forth in rules promulgated by the director,
 25 equal to the requirements for prelicensure training under this
 26 article. A school of cosmetology shall teach hair care services,
 27 skin care services, and manicuring services and may hold a limited
 28 license for the teaching of electrology. However, a school of
 29 cosmetology with a license limited only to the teaching of



1 electrology shall teach only electrology and not any other
2 cosmetology service.

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

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

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

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

17 (f) At the time of the enrollment of a student, shall furnish
18 the student a financial contract showing the total cost and all
19 charges involved in the complete course of study. Advertising
20 matter put out by schools, when mentioning the cost of tuition or
21 related subjects, shall furnish the same financial information as
22 described in this subsection.

23 (3) A cosmetology establishment exacting a fee for the
24 teaching of cosmetology or 1 or more services of cosmetology is
25 considered a school of cosmetology and is required to comply with
26 this section. A cosmetology establishment conducting an
27 apprenticeship program without charging a fee for the teaching of
28 cosmetology shall comply with subsection (5). A cosmetology
29 establishment which has successfully trained 1 apprentice is



1 eligible to train additional apprentices except that a cosmetology
2 establishment shall not have more than 2 apprentices at the same
3 time.

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

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

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

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

22 (c) Permit a cosmetology student or apprentice to practice on
23 the public only after completing at least 350 hours of instruction
24 in the general cosmetology curriculum, including both theory and
25 practical hours. A student or apprentice in a natural hair
26 cultivation, manicuring, skin care, or electrology curriculum may
27 practice on the public only after completing at least 1/4 of the
28 hours required by the applicable curriculum, including both theory
29 and practical hours.



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

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

18 (8) ~~(6)~~—The transfer of ownership or location of a school of
19 cosmetology voids the license. The filing of a new license
20 application is a predicate to the change in ownership or location
21 of a school.

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

