

State Budget Office
Office of Regulatory Reinvention
111 S. Capitol Avenue; 8th Floor, Romney Building,
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REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at orr@michigan.gov.

1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Name, title, phone number, and e-mail of person completing this form:	Rick Roselle, 517-335-1769, roseller1@michigan.gov

2. Rule Set Information

Title of proposed rule set:	Cosmetology – General Rules
Rule number(s) or range of numbers:	R 338.2101 – R 338.2195
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes

3. Estimated timetable for completion, or statutory deadline, if applicable:

One year.

4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

These rules provide licensure and sanitation requirements, operational and equipment requirements for a cosmetology establishment and a school of cosmetology, and minimal standards of acceptable practice for the profession.

The proposed changes to the rules are intended to:

- Clarify definitions used in the rule set.
- Inform applicants of the requirements pertaining to examinations, licensure by reciprocity, and relicensure.
- Sunset the provisions of a branch facility license because the Occupational Code, 1980 PA 299, MCL 339.101 to 339.2677, does not authorize the department to issue a branch facility license.
- Update the curriculum requirements for licensure to reflect the minimum level of training that is necessary to safely practice the profession.
- Update requirements pertaining to operational standards of a school of cosmetology and a cosmetology establishment to reflect the minimum standards necessary to protect the public.
- Update requirements pertaining to sanitation standards and standards of acceptable practice for the profession to reflect the minimum standards necessary to protect the public.

5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

MCL 339.205, MCL 339.308, MCL 339.1203, and MCL 339.1205, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.

These rules do not conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?

The subject matter of the proposed rules is not contained in any guidance, manual, handbook, instructional bulletin, form with instructions, or operational memo.

8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:

These rules will be promulgated under the full rule-making process.

9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.

These rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.

Yes, please see the attached minutes from the February 6, 2017 board meeting.

11. Reviewed by the following Departmental Regulatory Affairs Officer:

Liz Arasim, Department of Licensing and Regulatory Affairs

 ↓ To be completed by the ORR ↓

Date RFR received: 3-7-2019

Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.

ORR assigned rule set number:	2019-028 LR
Date of approval:	3/12/2019

Based on the information in this RFR, the ORR is not approving the RFR at this time.

Date of disapproval:	
Explanation:	