

# SENATE BILL NO. 1113

June 30, 2022, Introduced by Senators VICTORY, GEISS, CHANG, ALEXANDER, BULLOCK and SANTANA and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201 and 1203a (MCL 339.1201 and 339.1203a), section 1201 as amended by 2020 PA 20 and section 1203a as amended by 2018 PA 387.

**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.

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

5 (i) Intertwining in a systematic motion to create patterns in a  
6 3-dimensional form.

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

9 (iii) Twisting in a systematic motion.

10 (iv) Extension with natural or synthetic fibers.

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

13 (d) "Cosmetology" means performing 1 or more cosmetology  
14 services.

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

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

21 (i) Hair care services.

22 (ii) Skin care services.

23 (iii) Manicuring services.

24 (iv) Electrology.

25 (g) "Cosmetology suite" means a room or suite located inside a  
26 licensed cosmetology establishment that is leased or rented from  
27 the owner of the cosmetology establishment for the purposes of  
28 offering or providing 1 or more cosmetology services.

29 (h) "Electrologist" means an individual who performs or offers

1 to perform electrology.

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

4 (j) "Esthetician" means an individual who performs or offers  
5 to perform skin care services.

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

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

13 (m) "Manicuring services" means the cleansing, filing,  
14 shaping, buffing, polishing, or beautifying of the nails of the  
15 hands or feet, and the cleansing, massaging, stimulating,  
16 exercising, or beautifying of the skin of the hands, arms, and  
17 feet, manually or with the use of tools, appliances, or cosmetic  
18 preparations, including the repair of nails, or the creation or  
19 decoration of artificial nails. Manicuring services do not include  
20 the practice of podiatric medicine and podiatric surgery as defined  
21 in section 18001 of the public health code, 1978 PA 368, MCL  
22 333.18001.

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

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

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

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

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

6           (B) A client's home.

7           (p) "Natural hair cultivation" means techniques that result in  
8 tension on hair strands such as twisting, wrapping, weaving,  
9 extending, locking, or braiding of the hair by hand, if that work  
10 does not include the application of dyes, reactive chemicals, or  
11 other preparations to alter the color or to straighten, curl, or  
12 alter the structure of the hair. **Natural hair cultivation includes**  
13 **cleansing hair as described in section 1203a(4).**

14           (q) "Natural hair culturist" means an individual who is  
15 engaged in natural hair cultivation but does not include an  
16 individual who is engaged in natural hair cultivation if that  
17 activity is performed as part of the practice of a recognized  
18 religion.

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

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

23           (i) For a mobile salon described in subdivision (o) (i), the  
24 vehicle or other device and the equipment installed in the vehicle  
25 or device.

26           (ii) For a mobile salon described in subdivision (o) (ii), the  
27 equipment used to perform the cosmetology services, and the  
28 temporary location at which the equipment is used, while the  
29 equipment is at that location.

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

4 (u) "Skin care services" includes the following services or  
5 combination of services:

6 (i) Beautifying the skin of the body of an individual by the  
7 use of cosmetic preparations, antiseptics, tonics, lotions, or  
8 creams, including body wrapping.

9 (ii) Cleansing or stimulating the skin of the body by the use  
10 of the hands, devices, apparatus, or appliances, with or without  
11 the use of cosmetic preparations, antiseptics, tonics, lotions, or  
12 creams.

13 (iii) The temporary removal of hair from the body of an  
14 individual by the use of depilatories, waxes, razors, scissors,  
15 clippers, or tweezers.

16 (iv) Giving facials, applying removable makeup, applying  
17 eyelashes, or any other application of a preparation or beauty  
18 enhancement to the body of an individual but does not include  
19 applying permanent makeup or the use of tanning equipment.

20 (v) "Student" means an individual who is engaged in learning  
21 cosmetology or 1 or more cosmetology services in a school of  
22 cosmetology.

23 Sec. 1203a. (1) Subject to ~~subsection (5)~~, **subsections (4) and**  
24 **(6)**, an individual shall not perform any form of cosmetology  
25 services, with or without compensation, on any individual other  
26 than a member of his or her immediate family without a license  
27 under this article. However, this article does not apply to an  
28 individual, person, or premises that is licensed under article 11  
29 while performing the services of a barber.

1           (2) An individual who is licensed as a cosmetologist under  
2 this article may perform hair care services, skin care services,  
3 natural hair cultivation, and manicuring services as part of the  
4 practice of cosmetology, but shall not perform electrology unless  
5 he or she is licensed as an electrologist.

6           (3) The department may license an individual to perform  
7 manicuring services, natural hair cultivation, or skin care  
8 services in accordance with his or her training. ~~An~~ **Except as**  
9 **otherwise provided in subsection (4), an** individual who is licensed  
10 as a manicurist, natural hair culturist, or esthetician shall only  
11 perform that particular service and shall not perform any other  
12 cosmetology service unless he or she is licensed for that **other**  
13 **cosmetology** service. An individual who is licensed as a manicurist,  
14 natural hair culturist, or esthetician shall not perform  
15 electrology unless he or she is licensed as an electrologist.

16           **(4) An individual who is licensed as a natural hair culturist**  
17 **may cleanse another individual's hair for the purpose of performing**  
18 **natural hair cultivation on that individual.**

19           (5) ~~(4)~~ An individual who is licensed as an electrologist  
20 shall only perform electrology services and shall not perform any  
21 other cosmetology service unless he or she is separately licensed  
22 to perform ~~those services.~~ **that other cosmetology service.**

23           (6) ~~(5)~~ An individual who is a cosmetology student may perform  
24 shampoo services in a cosmetology establishment on members of the  
25 public without a license under this article if all of the following  
26 are met at the time the individual performs the shampooing  
27 services:

28           (a) Except as provided in subsection ~~(6)~~, ~~(7)~~, he or she is  
29 enrolled in a school of cosmetology.

1 (b) He or she has completed at least the 350 hours of  
2 instruction in the school's general cosmetology curriculum that is  
3 required under section ~~1205(5)(e)~~. **1205a**. The instruction must  
4 include at least the minimum number of practical applications  
5 established by the director by rule.

6 (c) The cosmetology establishment that is employing the  
7 individual to perform shampoo services has received written  
8 verification from the school of cosmetology the individual attends,  
9 in the form of a letter on the school's letterhead, dated and  
10 signed by the director or manager of that school, that states all  
11 of the following:

12 (i) The individual's full name.

13 (ii) That the individual is currently enrolled in the school.

14 (iii) That the individual meets the requirements described in  
15 subdivision (b).

16 (iv) His or her expected graduation date.

17 **(7)** ~~(6)~~—An individual who is performing shampooing services  
18 under subsection ~~(5)~~ **(6)** without a license under this article may  
19 continue to perform those services at the cosmetology establishment  
20 without a license for a period of 30 days after the date the  
21 individual is scheduled to graduate from the school of cosmetology.

22 **(8)** ~~(7)~~—A cosmetology establishment that employs a cosmetology  
23 student to perform shampoo services under subsection ~~(5)~~ **(6)** must  
24 do all of the following:

25 (a) Maintain records of the student's employment and keep the  
26 records on file for at least 3 years after the end of the  
27 employment relationship. The records must include the verification  
28 letter described in subsection ~~(5)(e)~~ **(6)(c)**.

29 (b) Allow the department access to the records described in

1 subdivision (a).

2 (c) Ensure that the student does not perform cosmetology  
3 services other than shampoo services while employed by the  
4 establishment.

5 (d) Ensure that a licensed cosmetologist is present in the  
6 establishment when the student is performing shampoo services.

7 **(9)** ~~(8)~~—A school of cosmetology that provides a verification  
8 letter described in subsection ~~(5)(e)~~ **(6)(c)** to a cosmetology  
9 establishment must retain a copy of the letter in the student's  
10 school record for at least 3 years after the student's expected  
11 graduation date.

12 **(10)** ~~(9)~~—As used in this section, "shampoo services" means  
13 preparing a customer for a shampoo, or shampooing or blow-drying a  
14 customer, for a licensed cosmetologist.