

Legislative Analysis



SHAMPOO SERVICES

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Senate Bill 751 (S-1) as reported from committee

Sponsor: Sen. Marty Knollenberg

House Committee: Regulatory Reform

Senate Committee: Regulatory Reform

Complete to 10-23-18

Analysis available at
<http://www.legislature.mi.gov>

(Enacted as Public Act 387 of 2018)

BRIEF SUMMARY: Senate Bill 751 would allow a cosmetology establishment to employ a cosmetology student to perform shampoo services on customers without a license if both the student and the cosmetology establishment met certain conditions.

FISCAL IMPACT: The bill would not have a fiscal impact on any unit of state or local government.

THE APPARENT PROBLEM:

It is a normal practice at hair salons to shampoo a customer's hair before cutting and styling it. Some salons prefer to hire someone to be the dedicated shampooer. If a salon is part of a cosmetology school, a student may do shampoos if he or she has completed at least 350 hours of instruction, but only if he or she does not receive any compensation. Some salons would like to hire cosmetology students who have completed the requisite number of hours of instruction to do shampoos. Legislation has been proposed to allow such a practice.

THE CONTENT OF THE BILL:

Under provisions of the Occupational Code and departmental rules regulating the practice of cosmetology, an individual cannot perform any of the regulated services on a member of the public without a license, whether or not the person is compensated for those services. An exception is provided in Section 1205(5)(c) of the Code for a student attending a cosmetology school or an apprentice of a cosmetology establishment; a student or apprentice is allowed to practice on the public if he or she has completed at least 350 hours of instruction in the general cosmetology curriculum, including both theory and practical hours.

Senate Bill 751 would amend Article 12 of the Occupational Code to allow, if certain conditions were met, a cosmetology establishment to employ a cosmetology student who is not licensed as a cosmetologist to perform *shampoo services* on the public. The individual could continue to perform shampoo services without a license at the cosmetology establishment for up to 30 days after the date he or she is scheduled to graduate from the school of cosmetology.

Shampoo services would mean preparing a customer for a shampoo, or shampooing or blow-drying a customer, for a licensed cosmetologist.

Conditions for a cosmetology student

For the exception proposed by the bill to apply, an individual would have to meet all of the following conditions:

- Be enrolled in a school of cosmetology.
- Have completed at least the 350 hours of instruction in the school’s general cosmetology curriculum required under Section 1205(5)(c) of the Code. This would include at least the minimum number of practical applications established by the director of the Department of Licensing and Regulatory Affairs (LARA) in departmental rules.
- The employing cosmetology establishment has received written verification—in the form of a letter—from the school of cosmetology the student attends, on the school’s letterhead, that is dated and signed by the school’s director or manager and that states all of the following:
 - The individual’s full name.
 - That the individual is currently enrolled in the school.
 - That the individual has completed the required 350 hours of instruction.
 - The individual’s expected graduation date.

Conditions for a cosmetology establishment

In addition to the conditions for a student, a cosmetology establishment employing a cosmetology student to perform shampoo services would have to do all of the following:

- Maintain records of the student’s employment during employment and for at least three years after employment ends. The records would include the verification letter from the student’s cosmetology school.
- Allow LARA access to the records.
- Ensure that only shampoo services, and no other cosmetology services, are performed by the student.
- Ensure that a licensed cosmetologist is present in the establishment when the student is performing shampoo services.

The school of cosmetology

If a school of cosmetology provided a verification letter to a cosmetology establishment, the school would have to retain a copy of the letter in the student’s school record for at least three years after the student’s expected graduation date.

MCL 339.1203a

HOUSE COMMITTEE ACTION:

The House Committee on Regulatory Reform reported the Senate-passed version of the bill without amendment.

ARGUMENTS:

For:

Cosmetology students who have completed at least 350 hours of general study are deemed as qualified to shampoo the hair of members of the public who receive hair services at a salon operated by a school of cosmetology. The bill would allow a licensed salon to hire a student, and allow the student to be paid, to perform the same shampoo services he or she is allowed to do at the school-operated salon. Cosmetology school, like many vocational or trade programs, can be expensive and many students need to work while in school. The bill would provide an opportunity for students to seek employment—and gain valuable work experience—within their chosen field while completing their program. A cosmetology establishment would also gain by freeing up fully licensed cosmetologists to concentrate on other hair services, such as cutting, perming, or dying hair. The real-world experience gained may also enable the student to more quickly find employment after graduation as a licensed cosmetologist in the same shop or elsewhere.

Against:

No arguments were offered in opposition to the bill.

POSITIONS:

A representative of Douglas J Aveda Institute testified in support of the bill. (9-5-18)

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.