

SUBSTITUTE FOR
SENATE BILL NO. 751

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending section 1203a (MCL 339.1203a), as added by 1997 PA 97.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1203a. (1) ~~An~~ **SUBJECT TO SUBSECTION (5), AN** individual
2 shall not ~~render~~ **PERFORM** any form of cosmetology services, with or
3 without compensation, on any individual other than a member of his
4 or her immediate family without a license under this article.
5 However, this article does not apply to an individual, person, or
6 premises **THAT IS** licensed under article 11 while ~~rendering~~
7 **PERFORMING** the services of a barber.
8 (2) An individual **WHO IS** licensed as a cosmetologist under
9 this article may ~~render~~ **PERFORM** hair care services, skin care
10 services, natural hair cultivation, and manicuring services as part

1 of the practice of cosmetology, but shall not ~~render~~ **PERFORM**
2 electrology ~~without being~~ **UNLESS HE OR SHE IS** licensed as an
3 electrologist.

4 (3) The department may license an individual to ~~render~~ **PERFORM**
5 manicuring services, natural hair cultivation, or skin care
6 services in accordance with his or her training. An individual **WHO**
7 **IS** licensed as a manicurist, natural hair culturist, or esthetician
8 shall only ~~render~~ **PERFORM** that particular service and shall not
9 ~~render~~ **PERFORM** any other cosmetology service ~~without being~~ **UNLESS**
10 **HE OR SHE IS** licensed for that service. An individual **WHO IS**
11 licensed as a manicurist, natural hair culturist, or esthetician
12 shall not ~~render~~ **PERFORM** electrology ~~without being~~ **UNLESS HE OR SHE**
13 **IS** licensed as an electrologist.

14 (4) An individual **WHO IS** licensed as an electrologist shall
15 ~~render~~ only **PERFORM** electrology services and shall not ~~render~~
16 **PERFORM** any other cosmetology service ~~without separately being~~
17 **UNLESS HE OR SHE IS SEPARATELY** licensed to ~~render~~ **PERFORM** those
18 services.

19 (5) **AN INDIVIDUAL WHO IS A COSMETOLOGY STUDENT MAY PERFORM**
20 **SHAMPOO SERVICES IN A COSMETOLOGY ESTABLISHMENT ON MEMBERS OF THE**
21 **PUBLIC WITHOUT A LICENSE UNDER THIS ARTICLE IF ALL OF THE FOLLOWING**
22 **ARE MET AT THE TIME THE INDIVIDUAL PERFORMS THE SHAMPOOING**
23 **SERVICES:**

24 (A) **EXCEPT AS PROVIDED IN SUBSECTION (6), HE OR SHE IS**
25 **ENROLLED IN A SCHOOL OF COSMETOLOGY.**

26 (B) **HE OR SHE HAS COMPLETED AT LEAST THE 350 HOURS OF**
27 **INSTRUCTION IN THE SCHOOL'S GENERAL COSMETOLOGY CURRICULUM THAT IS**

1 REQUIRED UNDER SECTION 1205 (5) (C) . THE INSTRUCTION MUST INCLUDE AT
2 LEAST THE MINIMUM NUMBER OF PRACTICAL APPLICATIONS ESTABLISHED BY
3 THE DIRECTOR BY RULE .

4 (C) THE COSMETOLOGY ESTABLISHMENT THAT IS EMPLOYING THE
5 INDIVIDUAL TO PERFORM SHAMPOO SERVICES HAS RECEIVED WRITTEN
6 VERIFICATION FROM THE SCHOOL OF COSMETOLOGY THE INDIVIDUAL ATTENDS ,
7 IN THE FORM OF A LETTER ON THE SCHOOL'S LETTERHEAD , DATED AND
8 SIGNED BY THE DIRECTOR OR MANAGER OF THAT SCHOOL , THAT STATES ALL
9 OF THE FOLLOWING :

10 (i) THE INDIVIDUAL'S FULL NAME .

11 (ii) THAT THE INDIVIDUAL IS CURRENTLY ENROLLED IN THE SCHOOL .

12 (iii) THAT THE INDIVIDUAL MEETS THE REQUIREMENTS DESCRIBED IN
13 SUBDIVISION (B) .

14 (iv) HIS OR HER EXPECTED GRADUATION DATE .

15 (6) AN INDIVIDUAL WHO IS PERFORMING SHAMPOOING SERVICES UNDER
16 SUBSECTION (5) WITHOUT A LICENSE UNDER THIS ARTICLE MAY CONTINUE TO
17 PERFORM THOSE SERVICES AT THE COSMETOLOGY ESTABLISHMENT WITHOUT A
18 LICENSE FOR A PERIOD OF 30 DAYS AFTER THE DATE THE INDIVIDUAL IS
19 SCHEDULED TO GRADUATE FROM THE SCHOOL OF COSMETOLOGY .

20 (7) A COSMETOLOGY ESTABLISHMENT THAT EMPLOYS A COSMETOLOGY
21 STUDENT TO PERFORM SHAMPOO SERVICES UNDER SUBSECTION (5) MUST DO
22 ALL OF THE FOLLOWING :

23 (A) MAINTAIN RECORDS OF THE STUDENT'S EMPLOYMENT AND KEEP THE
24 RECORDS ON FILE FOR AT LEAST 3 YEARS AFTER THE END OF THE
25 EMPLOYMENT RELATIONSHIP . THE RECORDS MUST INCLUDE THE VERIFICATION
26 LETTER DESCRIBED IN SUBSECTION (5) (C) .

27 (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 (8) A SCHOOL OF COSMETOLOGY THAT PROVIDES A VERIFICATION
8 LETTER DESCRIBED IN SUBSECTION (5) (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 (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 .

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