

HOUSE SUBSTITUTE FOR  
SENATE BILL NO. 434

A bill to amend 1980 PA 299, entitled  
"Occupational code,"  
by amending sections 1201, 1203, 1203b, 1204, 1205, 1211, 1217, and  
1218 (MCL 339.1201, 339.1203, 339.1203b, 339.1204, 339.1205,  
339.1211, 339.1217, and 339.1218), sections 1201, 1205, 1211, 1217,  
and 1218 as amended and section 1203b as added by 1997 PA 97 and  
section 1204 as amended by 2003 PA 57, and by adding section 1205a;  
and to repeal acts and parts of acts.

**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.  
4           (b) "Braiding" means providing or offering to the general



1 public for compensation any of the following services solely for  
 2 development or improvement of physical qualities of the natural  
 3 hair structure:

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

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

8 (iii) Twisting in a systematic motion.

9 (iv) Extension with natural or synthetic fibers.

10 (c) "Cosmetologist" means an individual who ~~renders~~ **performs**  
 11 or offers to ~~render~~ **perform 1 or more** cosmetology services.

12 (d) "Cosmetology" means ~~1 of the following services or a~~  
 13 ~~combination of the following~~ **performing 1 or more cosmetology**  
 14 services. ÷

15 ~~(i) Hair care services.~~

16 ~~(ii) Skin care services.~~

17 ~~(iii) Manicuring services.~~

18 ~~(iv) Electrology.~~

19 (e) "Cosmetology establishment" means ~~the premises on which~~  
 20 ~~cosmetology or 1 or more of its services are rendered or are~~  
 21 ~~offered to be rendered.~~ **a place of business at which 1 or more**  
 22 **cosmetology services are offered or provided. Cosmetology**  
 23 **establishment includes a mobile salon and a cosmetology suite.**  
 24 Cosmetology establishment does not include a school of cosmetology.

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

26 (i) Hair care services.

27 (ii) Skin care services.

28 (iii) Manicuring services.



1 (iv) **Electrology.**

2 (g) "Cosmetology suite" means a room or suite located inside a  
3 licensed cosmetology establishment that is leased or rented from  
4 the owner of the cosmetology establishment for the purposes of  
5 offering or providing 1 or more cosmetology services.

6 (h) ~~(f)~~—"Electrologist" means an individual who ~~renders or~~  
7 ~~offers to render~~ **performs or offers to perform** electrology.

8 (i) ~~(g)~~—"Electrology" means the permanent removal of hair from  
9 the body of an individual by the use of electricity.

10 (j) ~~(h)~~—"Esthetician" means an individual who ~~renders or~~  
11 ~~offers to render~~ **performs or offers to perform** skin care services.

12 (k) ~~(i)~~—"Hair care services" means arranging, cutting,  
13 dressing, curling, waving, cleansing, singeing, bleaching,  
14 coloring, tinting, trimming, styling, relaxing, perming,  
15 straightening, or similar work upon the hair of the head or a wig  
16 that an individual is wearing.

17 (l) ~~(j)~~—"Instructor" means an individual who teaches or offers  
18 to teach 1 or more cosmetology services in a school of cosmetology.

19 (m) ~~(k)~~—"Manicuring services" means the cleansing, filing,  
20 shaping, buffing, polishing, or beautifying of the nails of the  
21 hands or feet, and the cleansing, massaging, stimulating,  
22 exercising, or beautifying of the skin of the hands, arms, and  
23 feet, manually or with the use of tools, appliances, or cosmetic  
24 preparations, including the repair of nails, or the creation or  
25 decoration of artificial nails. Manicuring services do not include  
26 the practice of podiatric medicine and **podiatric** surgery as defined  
27 in section 18001 of the public health code, 1978 PA 368, MCL  
28 333.18001.

29 (n) ~~(l)~~—"Manicurist" means an individual who ~~renders or offers~~



1 ~~to render~~ performs or offers to perform manicuring services.

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

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

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

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

12 (B) A client's home.

13 (p) ~~(m)~~ "Natural hair cultivation" means techniques that  
14 result in tension on hair strands such as twisting, wrapping,  
15 weaving, extending, locking, or braiding of the hair by hand, ~~which~~  
16 **if that** work does not include the application of dyes, reactive  
17 chemicals, or other preparations to alter the color or to  
18 straighten, curl, or alter the structure of the hair.

19 (q) ~~(n)~~ "Natural hair culturist" means ~~a person~~ **an individual**  
20 **who is** engaged in natural hair cultivation but does not include ~~a~~  
21 ~~person~~ **an individual who is** engaged in natural hair cultivation if  
22 that activity is performed as part of the practice of a recognized  
23 religion.

24 (r) ~~(e)~~ "Owner" means a person who owns and conducts a  
25 cosmetology establishment or a school of cosmetology.

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

28 (i) For a mobile salon described in subdivision (o) (i), the  
29 vehicle or other device and the equipment installed in the vehicle



1 or device.

2 (ii) For a mobile salon described in subdivision (o) (ii), the  
3 equipment used to perform the cosmetology services, and the  
4 temporary location at which the equipment is used, while the  
5 equipment is at that location.

6 (t) ~~(p)~~—"School of cosmetology" means ~~the premises where~~  
7 ~~cosmetology or 1 or more of its services are taught.~~ **a school that**  
8 **teaches 1 or more cosmetology services at a premises designated in**  
9 **the license application.**

10 (u) ~~(q)~~—"Skin care services" includes the following services  
11 or combination of services:

12 (i) Beautifying the skin of the body of an individual by the  
13 use of cosmetic preparations, antiseptics, tonics, lotions, or  
14 creams, including body wrapping.

15 (ii) Cleansing or stimulating the skin of the body by the use  
16 of the hands, devices, apparatus, or appliances, with or without  
17 the use of cosmetic preparations, antiseptics, tonics, lotions, or  
18 creams.

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

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

26 (v) ~~(r)~~—"Student" means an individual **who is** engaged in  
27 learning cosmetology or 1 or more ~~of its~~ **cosmetology** services in a  
28 school of cosmetology.

29 Sec. 1203. (1) The department ~~and~~ **in consultation with** the



1 board shall promulgate ~~sanitary rules they consider~~ **that establish**  
 2 **sanitation standards that the department considers** necessary, with  
 3 particular reference to the precautions necessary to be employed to  
 4 prevent the spreading of an infectious or contagious disease, and  
 5 shall arrange ~~an inspection as they consider~~ **for any inspections**  
 6 **that the department considers** necessary to safeguard the public  
 7 health.

8 (2) The department in consultation with the board shall  
 9 promulgate rules for the operation of mobile salons and the  
 10 performance of cosmetology services in or at the premises of mobile  
 11 salons. The department shall promulgate the rules described in this  
 12 subsection within 1 year after the effective date of the amendatory  
 13 act that added this subsection. The rules shall include sanitation  
 14 standards that meet the requirements of subsection (1) and may  
 15 establish 1 or more of the following for providing cosmetology  
 16 services in a mobile salon:

17 (a) Safety requirements.

18 (b) Permanent address requirements at which 1 or more of the  
 19 following are located:

20 (i) Records of appointments.

21 (ii) License numbers of employees.

22 (iii) If applicable, the vehicle identification number of the  
 23 license holder's self-contained facility.

24 (c) Enforcement actions to ensure compliance with the  
 25 requirements under this article and all local laws and ordinances.

26 Sec. 1203b. A person shall not ~~conduct or operate~~ a  
 27 cosmetology establishment or school of cosmetology without a ~~school~~  
 28 ~~or cosmetology~~ establishment **or school of cosmetology** license  
 29 issued under this article.



1           Sec. 1204. (1) The department shall issue a license to a  
 2 person ~~for the operation of~~ **to operate** a cosmetology establishment,  
 3 **at the premises specified in the license application**, if all of the  
 4 following requirements are met:

5           (a) An application is submitted **to the department** by the  
 6 owners or managers of the establishment.

7           (b) The application includes **the address of the premises of**  
 8 **the establishment and** a drawing or diagram ~~indicating the premises~~  
 9 ~~to be licensed and that shows~~ the location of required equipment  
 10 and facilities, **and if the establishment is adjacent to a dwelling**  
 11 **or school of cosmetology, that the premises of the establishment**  
 12 **are completely separated by full partitions and doors from the**  
 13 **dwelling or school.**

14           (c) The ~~premises has satisfactorily passed~~ **establishment and**  
 15 **its premises have satisfactorily passed** an inspection conducted by  
 16 the department for the purpose of determining whether the  
 17 establishment ~~has met and~~ **premises meet the** sanitation and  
 18 equipment standards prescribed in rules promulgated by the director  
 19 **and any other applicable requirements of this article.**

20           ~~(d) Except as provided in subsection (3), the cosmetology~~  
 21 ~~establishment shall be under the daily attendance and supervision~~  
 22 ~~of a licensed cosmetologist who is not less than 18 years of age~~  
 23 ~~and has had not less than 1 year's practical experience in~~  
 24 ~~cosmetology.~~

25           (2) ~~A~~ **The owner of a** cosmetology establishment shall ~~be~~ **do all**  
 26 **of the following:**

27           (a) **Ensure that the establishment is** completely separated by  
 28 full partitions and doors from a dwelling or **the premises of** a  
 29 school of cosmetology.



1           (b) Display its license for the establishment and the license  
2 of each cosmetologist who works in the establishment in a prominent  
3 place in the establishment that is visible to the public at all  
4 times. The owner may post the license of a cosmetologist who works  
5 in the establishment at his or her work station.

6           (3) The department may issue a limited cosmetology  
7 establishment license to a person ~~who seeks to perform~~ **that seeks**  
8 **to provide** only 1 or more ~~services of cosmetology~~ **services** on the  
9 premises **of the establishment**. ~~If the establishment license is~~  
10 ~~limited to only manicuring services or skin care services, the~~  
11 ~~supervising licensee may be an individual licensed only in that~~  
12 ~~service. A licensed cosmetologist who is working in the premises of~~  
13 a limited licensed cosmetology establishment shall not perform  
14 cosmetology services ~~for which the premises are not licensed. If~~  
15 ~~the cosmetology establishment license is limited to electrology,~~  
16 ~~the supervising licensee shall be a licensed electrologist. A~~  
17 ~~licensed cosmetologist shall not supervise a cosmetology~~  
18 ~~establishment whose cosmetology license is limited to rendering~~  
19 ~~electrology unless the cosmetologist is licensed as an~~  
20 ~~electrologist.~~ **that the owner is not licensed to provide in the**  
21 **establishment.**

22           ~~(4) The department may grant a temporary establishment license~~  
23 ~~to a person who has fulfilled all licensure requirements except for~~  
24 ~~the completion of the inspection.~~

25           ~~(5) The transfer of ownership or location of a cosmetology~~  
26 ~~establishment voids the license. The filing of a new license~~  
27 ~~application is a predicate to the change in ownership or location~~  
28 ~~of an establishment.~~

29           ~~(6) The license of the establishment and of each individual~~





1 ~~working in the establishment shall be displayed in a prominent~~  
 2 ~~place which is visible to the public at all times. The license of~~  
 3 ~~an individual working in the establishment may be posted at the~~  
 4 ~~individual's work station.~~

5 (4) An owner's cosmetology establishment license is considered  
 6 void if there is a sale or other transfer of the cosmetology  
 7 establishment, a sale or other transfer of ownership, or, except  
 8 for a mobile salon, a change in the location of the cosmetology  
 9 establishment. A person whose license is void under this subsection  
 10 must submit a new license application and obtain a new license to  
 11 continue to provide cosmetology services.

12 (5) This section does not apply to a cosmetology establishment  
 13 that is a mobile salon until the effective date of the rules  
 14 promulgated under section 1203 for the operation of mobile salons.

15 Sec. 1205. (1) The department shall issue a license to a  
 16 person ~~for the operation of~~ **to operate** a school of cosmetology, **at**  
 17 **the premises specified in the license application**, if all of the  
 18 following requirements are met:

19 (a) An application is submitted **to the department** by the owner  
 20 or manager of the school.

21 (b) The application includes **the address of the premises of**  
 22 **the school and, except as provided in subsection (7),** a drawing or  
 23 diagram ~~that indicates of~~ the premises ~~to be licensed, showing that~~  
 24 **shows** that the premises are fully partitioned from any other  
 25 activity, business, or dwelling. The **drawing or diagram must also**  
 26 **indicate the** location of required equipment and facilities. ~~shall~~  
 27 ~~also be shown on the diagram.~~

28 (c) ~~A~~ **The applicant has filed a** cash or surety bond of  
 29 \$10,000.00 ~~has been furnished with the department,~~ in favor of the



1 people of this state for the use and benefit of students, and  
 2 conditioned ~~upon~~**on** the faithful performance and satisfaction of  
 3 the contractual rights of students.

4 (d) Provisions have been made for the ~~school to be under the~~  
 5 daily supervision of ~~a licensed~~**the school by a licensed**  
 6 **cosmetology** instructor who has at least 3 years' experience in all  
 7 services of cosmetology ~~being~~**that are** taught in the school.

8 (e) The **school and its** premises ~~has~~**have** successfully passed  
 9 an inspection by the department conducted for the purpose of  
 10 determining whether the school ~~has met~~**and premises meet** the  
 11 standards set forth in this article and rules promulgated by the  
 12 director.

13 (2) A school of cosmetology shall ~~fulfill~~**meet** all of the  
 14 following requirements:

15 (a) ~~Shall~~**Subject to subsection (6)**, maintain a course of  
 16 practical training and technical instruction, as outlined in the  
 17 various curricula set forth in rules promulgated by the director,  
 18 equal to the requirements for prelicensure training under this  
 19 article. A school of cosmetology shall teach hair care services,  
 20 skin care services, and manicuring services and may hold a limited  
 21 license for the teaching of electrology. ~~However,~~**If the owner of a**  
 22 school of cosmetology ~~with a~~**holds a** license ~~limited~~**that limits**  
 23 **the school to** only ~~to~~the teaching of electrology, **the school** shall  
 24 teach only electrology and not any other cosmetology service.

25 (b) ~~Shall possess~~**Possess** efficient apparatus and equipment  
 26 prescribed in rules promulgated by the director **that are** sufficient  
 27 for the ready and full teaching of each subject in the curriculum.

28 (c) ~~Shall maintain 1 person licensed as an~~**Employ or engage at**  
 29 **least 1 licensed** instructor, **who is** competent to ~~impart~~**provide**



1 instruction in each subject of its curriculum, for every 20  
2 students.

3 ~~(d) Shall be operated~~ **Operate** for teaching purposes only.

4 ~~(e) Instructors shall~~ **Allow instructors to** practice on the  
5 public only to demonstrate techniques to students and to correct  
6 the work of students.

7 ~~(f) If a specialist demonstrator gives a classroom~~  
8 **demonstration, ensure that a licensed instructor supervises the**  
9 **demonstration.**

10 ~~(g) The premises of the school are completely separated by~~  
11 **full partitions and doors from any other activity, business, or**  
12 **dwelling.**

13 ~~(h) (e) Shall provide for the display of the~~ **Display its**  
14 ~~license of~~ **for** the school of cosmetology and **the license** of each  
15 instructor ~~working~~ **who works** in the school in a prominent place **in**  
16 **the school** that is visible to the public at all times.

17 ~~(i) A sign shall be displayed indicating~~ **Display a sign in the**  
18 **school that states** that services are ~~rendered~~ **performed** by students  
19 of the school.

20 ~~(j) (f) At the time of the enrollment of a student, shall~~  
21 ~~furnish the~~ **he or she enrolls in the school, provide to each**  
22 student a financial contract ~~showing~~ **that states** the total cost and  
23 all charges involved in the complete course of study.

24 ~~(k) Advertising matter put out by schools, when mentioning~~ **In**  
25 **any advertising materials distributed or published by the school**  
26 **that refer to** the cost of tuition or related subjects, ~~shall~~  
27 ~~furnish~~ **include** the same financial information ~~as described in this~~  
28 ~~subsection.~~ **subdivision (j).**

29 ~~(3) A cosmetology establishment exacting a fee for the~~



1 ~~teaching of cosmetology or 1 or more services of cosmetology is~~  
 2 ~~considered a school of cosmetology and is required to comply with~~  
 3 ~~this section. A cosmetology establishment conducting an~~  
 4 ~~apprenticeship program without charging a fee for the teaching of~~  
 5 ~~cosmetology shall comply with subsection (5). A cosmetology~~  
 6 ~~establishment which has successfully trained 1 apprentice is~~  
 7 ~~eligible to train additional apprentices except that a cosmetology~~  
 8 ~~establishment shall not have more than 2 apprentices at the same~~  
 9 ~~time.~~ **The owner of a school of cosmetology shall ensure that the**  
 10 **school meets the requirements of subsection (2).**

11 (4) The department may issue a limited school of cosmetology  
 12 license to **the owner of** a school ~~teaching only that teaches only~~  
 13 electrology. A school of cosmetology ~~whose license is limited to~~  
 14 ~~teaching only that is authorized to teach only~~ electrology shall  
 15 ~~fulfill~~ **meet** all of the requirements of this section, except that  
 16 **only an instructor who is authorized to perform electrology may**  
 17 **provide the** daily supervision of the school ~~shall be provided by an~~  
 18 ~~electrology instructor that is required under subsection (1) (d),~~  
 19 and the curriculum offered and equipment and facilities required  
 20 shall be only those required for the teaching of electrology.

21 ~~(5) A school of cosmetology or a cosmetology establishment~~  
 22 ~~conducting an apprenticeship program shall comply with all of the~~  
 23 ~~following requirements:~~

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

26 ~~(b) Keep a daily record of the attendance of each student or~~  
 27 ~~apprentice, a copy of which shall be sent to the department~~  
 28 ~~monthly, establish grades, and require a student or apprentice to~~  
 29 ~~pass an examination before certifying to the department that an~~



1 ~~individual has completed training.~~

2 ~~(c) Permit a cosmetology student or apprentice to practice on~~  
 3 ~~the public only after completing at least 350 hours of instruction~~  
 4 ~~in the general cosmetology curriculum, including both theory and~~  
 5 ~~practical hours. A student or apprentice in a natural hair~~  
 6 ~~cultivation, manicuring, skin care, or electrology curriculum may~~  
 7 ~~practice on the public only after completing at least 1/4 of the~~  
 8 ~~hours required by the applicable curriculum, including both theory~~  
 9 ~~and practical hours.~~

10 ~~(6) The transfer of ownership or location of a school of~~  
 11 ~~cosmetology voids the license. The filing of a new license~~  
 12 ~~application is a predicate to the change in ownership or location~~  
 13 ~~of a school.~~

14 **(5) An owner's school of cosmetology license is considered**  
 15 **void if there is a sale or other transfer of the school, a sale or**  
 16 **other transfer of ownership, or a change in the location of the**  
 17 **school. A person whose license is void under this subsection must**  
 18 **submit a new license application and obtain a new license to**  
 19 **continue to operate a school of cosmetology.**

20 **(6) For the purposes of subsection (2) (a) and section 1207(d),**  
 21 **if a student of a school of cosmetology is licensed as a barber**  
 22 **under article 11, the school of cosmetology may allow the student**  
 23 **to substitute hours of instruction completed at a state barber**  
 24 **college for hours of instruction that are substantially similar in**  
 25 **content to hours of instruction at the school of cosmetology.**  
 26 **However, a school of cosmetology shall not allow a student to**  
 27 **substitute more than 1,000 hours of substantially similar**  
 28 **instruction from a state barber college for hours of instruction at**  
 29 **the school of cosmetology under this subsection. The department by**



1 rule shall establish criteria for determining whether an hour of  
2 instruction at a state barber college is substantially similar to  
3 an hour of instruction at a school of cosmetology. As used in this  
4 subsection and subsection (7), "state barber college" means a  
5 barber college that is licensed under article 11.

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

8 Sec. 1205a. (1) The owner of a school of cosmetology, or the  
9 owner of a cosmetology establishment that conducts an  
10 apprenticeship program, shall ensure that the school or  
11 apprenticeship program meets all of the following requirements:

12 (a) A student or apprentice is not required to be in  
13 attendance for more than 40 hours per week.

14 (b) A daily record of the attendance of each student or  
15 apprentice is maintained and a copy of the record is sent to the  
16 department monthly.

17 (c) A grading system for students or apprentices is  
18 established.

19 (d) A student or apprentice is required to pass an examination  
20 before the owner of the school or establishment certifies to the  
21 department that he or she has completed training.

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



1 (f) Before the school begins training a student, or the  
 2 establishment accepts an apprentice, the owner of the school or  
 3 establishment obtains proof that the student or apprentice has a  
 4 high school education, or the equivalent of a high school  
 5 education. This subdivision does not apply to a student who is  
 6 enrolling in a program offered as a part of the regular curriculum  
 7 of a public school and approved by the state board of education.

8 (g) Before the school begins training a student, or the  
 9 establishment accepts an apprentice, the owner of the school or  
 10 establishment submits an application to the department on behalf of  
 11 the student or apprentice. The owner of the school or establishment  
 12 shall retain a copy of the proof of education described in  
 13 subdivision (f), if applicable, and the application described in  
 14 this subdivision in the records of the school or establishment  
 15 until the student or apprentice applies for examination to obtain a  
 16 license.

17 (2) The owner of a cosmetology establishment that conducts an  
 18 apprenticeship program shall not charge a fee for the teaching of  
 19 cosmetology services to apprentices on the premises.

20 (3) The owner of a cosmetology establishment where 1  
 21 apprentice has been successfully trained may allow the training of  
 22 additional apprentices at the establishment, except that not more  
 23 than 2 apprentices may be trained at the same time.

24 (4) If the location of a cosmetology establishment where an  
 25 apprenticeship program is conducted changes, the owner of the  
 26 cosmetology establishment may continue the apprenticeship program  
 27 at the new location if a new license is issued under section  
 28 1204(4), and an apprentice who was receiving training at the  
 29 original location may continue to receive training at the new



1 location.

2 Sec. 1211. (1) ~~Upon submission of an application to the~~  
 3 ~~department, an~~ **An individual who is** licensed to perform cosmetology  
 4 services under the laws of another state **may submit an application**  
 5 **to the department, and the department** shall ~~without examination~~  
 6 ~~be granted~~ **issue** a license to ~~practice the~~ **perform those** services  
 7 for which that individual was previously licensed ~~if the~~ **department**  
 8 **determines that all of the following are met:**

9 (a) **The applicant is** ~~not less than 17 years of age,~~ **at least**  
 10 **17 years old.**

11 (b) **The applicant** is of good moral character, and the  
 12 requirements for registration or licensure in the particular state  
 13 were substantially equal to the requirements then in ~~force~~ **effect**  
 14 in this state.

15 (c) **The applicant establishes that sanctions have not been**  
 16 **imposed against him or her by a similar licensing or registration**  
 17 **board of any other state.**

18 (2) Years or months of experience may be substituted for hours  
 19 of training in a ratio of 100 hours of training credited for each 6  
 20 months of experience.

21 (3) An individual **who is** applying for licensure ~~having based~~  
 22 **on** qualifications **he or she** acquired outside of the United States  
 23 shall provide proof of training or experience, or both. The  
 24 department may determine whether or not an applicant is ~~qualified~~  
 25 ~~to be licensed~~ **eligible for a license** without examination.

26 Sec. 1217. A licensee ~~who~~ **that** commits or has committed 1 or  
 27 more of the following is subject to the penalties set forth in  
 28 article 6:

29 (a) Continued practice by ~~a person knowingly having an~~





1 individual who knows he or she has an infectious or contagious  
2 disease.

3 (b) ~~Practicing~~ **Except as otherwise provided in this**  
4 **subdivision, practicing** cosmetology on the public outside of **the**  
5 **premises of** a licensed cosmetology establishment or school of  
6 cosmetology. ~~However, a~~ **A** licensed cosmetologist may ~~serve~~ **perform**  
7 **cosmetology services for** a patron ~~in~~ **at a location that is not on**  
8 **the premises not licensed as of a licensed** cosmetology  
9 establishment ~~provided that the services rendered involve a~~ **if the**  
10 **services are performed at any of the following:**

11 (i) **A** special event in which the cosmetology service is  
12 required to be performed for an on-site participant of the event.

13 (ii) **A** nursing home, as that term is defined in section 20109  
14 of the public health code, 1978 PA 368, MCL 333.20109, for a  
15 patient or resident of that home.

16 (iii) **A** home for the aged, as that term is defined in section  
17 20106 of the public health code, 1978 PA 368, MCL 333.20106, for a  
18 patient or resident of that home.

19 (iv) **An** adult foster care facility, as that term is defined in  
20 section 3 of the adult foster care facility licensing act, 1979 PA  
21 218, MCL 400.703, for a patient or resident of that facility.

22 (v) **A** hospital, as that term is defined in section 20106 of  
23 the public health code, 1978 PA 368, MCL 333.20106, for a patient  
24 of that hospital.

25 ~~(c) Contracting with, being employed by, or being provided~~  
26 ~~space or leasing space from a hospital, nursing home, convalescent~~  
27 ~~home, or similar facility for the purpose of practicing~~  
28 ~~cosmetology, without a cosmetology establishment license. However,~~  
29 ~~a licensed cosmetologist may practice on a patient in a hospital,~~



1 ~~nursing home, convalescent home, or similar facility, or on a~~  
 2 ~~person requiring home care because of an illness or infirmity.~~

3       Sec. 1218. (1) The department shall ~~inspect each cosmetology~~  
 4 ~~establishment at least once annually. The department shall inspect~~  
 5 ~~each school of cosmetology or cosmetology establishment training~~  
 6 ~~apprentices at least twice annually.~~**regularly inspect each**  
 7 **cosmetology establishment and school of cosmetology to determine**  
 8 **whether the licensee is conforming to this article and the rules**  
 9 **promulgated under this article.**

10       (2) A representative of the department shall ~~be allowed to~~**may**  
 11 enter and inspect, during regular business hours, a cosmetology  
 12 establishment or school of cosmetology ~~to determine whether the~~  
 13 ~~licensee is conforming to this article and the rules promulgated~~  
 14 ~~under this article.~~**for purposes of subsection (1).**

15       (3) A representative of the department, when inspecting a  
 16 cosmetology establishment or school of cosmetology, may require an  
 17 individual **who is** working in the establishment or school to present  
 18 identification in order to substantiate his or her identity as the  
 19 holder of a posted license.

20       Enacting section 1. Section 1214 of the occupational code,  
 21 1980 PA 299, MCL 339.1214, is repealed.

22       Enacting section 2. This amendatory act takes effect 90 days  
 23 after the date it is enacted into law.

