

SENATE BILL NO. 434

August 20, 2019, Introduced by Senator NESBITT and referred to the Committee on Regulatory Reform.

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
5 public for compensation any of the following services solely for
6 development or improvement of physical qualities of the natural
7 hair structure:

8 (i) Intertwining in a systematic motion to create patterns in a
9 3-dimensional form.

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

12 (iii) Twisting in a systematic motion.

13 (iv) Extension with natural or synthetic fibers.

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

16 (d) "Cosmetology" means ~~1 of the following services or a~~
17 ~~combination of the following~~**performing 1 or more cosmetology**
18 services. ÷

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

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

21 ~~(iii) Manicuring services.~~

22 ~~(iv) Electrology.~~

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

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

2 (i) Hair care services.

3 (ii) Skin care services.

4 (iii) Manicuring services.

5 (iv) Electrology.

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

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

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

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

19 (l) ~~(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 (m) ~~(l)~~ "Manicurist" means an individual who ~~renders or offers~~

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

2 (n) "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 operator,
10 including, but not limited to, any of the following:

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

12 (B) A client's home.

13 (C) A nursing home, as defined in section 20109 of the public
14 health code, 1978 PA 368, MCL 333.20109.

15 (D) A home for the aged, as defined in section 20106 of the
16 public health code, 1978 PA 368, MCL 333.20106.

17 (E) An adult foster care facility, as defined in section 3 of
18 the adult foster care facility licensing act, 1979 PA 218, MCL
19 400.703.

20 (o) ~~(m)~~ "Natural hair cultivation" means techniques that
21 result in tension on hair strands such as twisting, wrapping,
22 weaving, extending, locking, or braiding of the hair by hand, ~~which~~
23 **if that** work does not include the application of dyes, reactive
24 chemicals, or other preparations to alter the color or to
25 straighten, curl, or alter the structure of the hair.

26 (p) ~~(n)~~ "Natural hair culturist" means ~~a person~~ **an individual**
27 **who is** engaged in natural hair cultivation but does not include ~~a~~
28 ~~person~~ **an individual who is** engaged in natural hair cultivation if
29 that activity is performed as part of the practice of a recognized

1 religion.

2 ~~(o) "Owner" means a person who owns and conducts a cosmetology~~
3 ~~establishment or a school of cosmetology.~~

4 (q) "Operator" means a person that is licensed to operate a
5 cosmetology establishment or school of cosmetology, as applicable.

6 (r) For a mobile salon, "premises" means 1 of the following,
7 as applicable:

8 (i) For a mobile salon described in subdivision (n) (i), the
9 vehicle or other device and the equipment installed in the vehicle
10 or device.

11 (ii) For a mobile salon described in subdivision (n) (ii), the
12 equipment used to perform the cosmetology services; and the
13 temporary location at which the equipment is used, while the
14 equipment is at that location.

15 (s) ~~(p)~~ "School of cosmetology" means ~~the premises where~~
16 ~~cosmetology or 1 or more of its services are taught.~~ a school that
17 teaches 1 or more cosmetology services at a premises designated in
18 the license application.

19 (t) ~~(q)~~ "Skin care services" includes the following services
20 or combination of services:

21 (i) Beautifying the skin of the body of an individual by the
22 use of cosmetic preparations, antiseptics, tonics, lotions, or
23 creams, including body wrapping.

24 (ii) Cleansing or stimulating the skin of the body by the use
25 of the hands, devices, apparatus, or appliances, with or without
26 the use of cosmetic preparations, antiseptics, tonics, lotions, or
27 creams.

28 (iii) The temporary removal of hair from the body of an
29 individual by the use of depilatories, waxes, razors, scissors,

1 clippers, or tweezers.

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

6 (u) ~~(r)~~ "Student" means an individual **who is** engaged in
7 learning cosmetology or 1 or more ~~of its~~ **cosmetology** services in a
8 school of cosmetology.

9 Sec. 1203. (1) The department and the board shall promulgate
10 ~~sanitary rules~~ **that establish sanitation standards that** they
11 consider necessary, with particular reference to the precautions
12 necessary to be employed to prevent the spreading of an infectious
13 or contagious disease, and shall arrange ~~an inspection as for any~~
14 **inspections that** they consider necessary to safeguard the public
15 health.

16 (2) **The department and the board shall promulgate rules for**
17 **the operation of mobile salons and the performance of cosmetology**
18 **services in or at the premises of mobile salons. The department and**
19 **board shall promulgate the rules described in this subsection**
20 **within 1 year after the effective date of the amendatory act that**
21 **added this subsection. The rules shall include sanitation standards**
22 **that meet the requirements of subsection (1) and may establish 1 or**
23 **more of the following for providing cosmetology services in a**
24 **mobile salon:**

25 (a) **Safety requirements.**

26 (b) **Permanent address requirements at which 1 or more of the**
27 **following are located:**

28 (i) **Records of appointments.**

29 (ii) **License numbers of employees.**

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

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

5 Sec. 1203b. A person shall not ~~conduct or~~ operate a
6 cosmetology establishment or school of cosmetology without a ~~school~~
7 ~~or cosmetology~~ establishment **or school of cosmetology** license
8 issued under this article.

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

13 (a) An application is submitted **to the department** by ~~the~~
14 ~~owners or managers or on behalf of the proposed operator~~ of the
15 establishment.

16 (b) The application includes **the address of the premises of**
17 **the establishment and** a drawing or diagram ~~indicating the premises~~
18 ~~to be licensed and that shows~~ the location of required equipment
19 and facilities, **and if the establishment is adjacent to a dwelling**
20 **or school of cosmetology, that the premises of the establishment**
21 **are completely separated by full partitions and doors from the**
22 **dwelling or school.**

23 (c) The ~~premises has satisfactorily passed~~ **establishment and**
24 **its premises have satisfactorily passed** an inspection conducted by
25 the department for the purpose of determining whether the
26 establishment ~~has met~~ **and premises meet the** sanitation and
27 equipment standards prescribed in rules promulgated by the director
28 **and any other applicable requirements of this article.**

29 ~~(d) Except as provided in subsection (3), the cosmetology~~

1 ~~establishment shall be under the daily attendance and supervision~~
2 ~~of a licensed cosmetologist who is not less than 18 years of age~~
3 ~~and has had not less than 1 year's practical experience in~~
4 ~~cosmetology.~~

5 (2) ~~A~~ **The operator of a** cosmetology establishment shall ~~be do~~
6 **all of the following:**

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

10 (b) **Display its license for the establishment and the license**
11 **of each cosmetologist who works in the establishment in a prominent**
12 **place in the establishment that is visible to the public at all**
13 **times. The operator may post the license of a cosmetologist who**
14 **works in the establishment at his or her work station.**

15 (3) The department may issue a limited cosmetology
16 establishment license to a person ~~who seeks to perform that seeks~~
17 **to provide** only 1 or more ~~services of cosmetology services~~ on the
18 **premises of the establishment.** ~~If the establishment license is~~
19 ~~limited to only manicuring services or skin care services, the~~
20 ~~supervising licensee may be an individual licensed only in that~~
21 ~~service.~~ **A licensed cosmetologist who is working in the premises of**
22 **a limited licensed cosmetology establishment shall not perform**
23 **cosmetology services for which the premises are not licensed. If**
24 ~~the cosmetology establishment license is limited to electrology,~~
25 ~~the supervising licensee shall be a licensed electrologist. A~~
26 ~~licensed cosmetologist shall not supervise a cosmetology~~
27 ~~establishment whose cosmetology license is limited to rendering~~
28 ~~electrology unless the cosmetologist is licensed as an~~
29 ~~electrologist.~~ **that the operator is not licensed to provide in the**

1 **establishment.**

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

5 ~~(5) The transfer of ownership or location of a cosmetology~~
6 ~~establishment voids the license. The filing of a new license~~
7 ~~application is a predicate to the change in ownership or location~~
8 ~~of an establishment.~~

9 ~~(6) The license of the establishment and of each individual~~
10 ~~working in the establishment shall be displayed in a prominent~~
11 ~~place which is visible to the public at all times. The license of~~
12 ~~an individual working in the establishment may be posted at the~~
13 ~~individual's work station.~~

14 **(4) The license of the operator of a cosmetology establishment**
15 **is considered void if there is a sale or other transfer of the**
16 **cosmetology establishment, a sale or other transfer of the**
17 **ownership of the operator, or a change in the location of the**
18 **cosmetology establishment. A person whose license is void under**
19 **this subsection must submit a new license application and obtain a**
20 **new license to continue to provide cosmetology services.**

21 **(5) This section only applies to a cosmetology establishment**
22 **that is a mobile salon beginning on the effective date of rules**
23 **promulgated under section 1203 for the operation of mobile salons.**

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

28 (a) An application is submitted **to the department** by ~~the owner~~
29 ~~or manager~~ **or on behalf of the proposed operator** of the school.

1 (b) The application includes **the address of the premises of**
2 **the school and** a drawing or diagram ~~that indicates of~~ the premises
3 ~~to be licensed, showing that~~ **shows** that the premises are fully
4 partitioned from any other activity, business, or dwelling. The
5 **drawing or diagram must also indicate the** location of required
6 equipment and facilities. ~~shall also be shown on the diagram.~~

7 (c) ~~A~~ **The applicant has filed a** cash or surety bond of
8 \$10,000.00 ~~has been furnished with the department,~~ in favor of the
9 people of this state for the use and benefit of students, and
10 conditioned ~~upon~~ **on** the faithful performance and satisfaction of
11 the contractual rights of students.

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

16 (e) The **school and its** premises ~~has~~ **have** successfully passed
17 an inspection by the department conducted for the purpose of
18 determining whether the school ~~has met~~ **and premises meet** the
19 standards set forth in this article and rules promulgated by the
20 director.

21 (2) A school of cosmetology ~~shall fulfill~~ **must meet** all of the
22 following requirements:

23 (a) ~~Shall maintain~~ **Maintain** a course of practical training and
24 technical instruction, as outlined in the various curricula set
25 forth in rules promulgated by the director, equal to the
26 requirements for prelicensure training under this article. A school
27 of cosmetology shall teach hair care services, skin care services,
28 and manicuring services and may hold a limited license for the
29 teaching of electrology. However, **if the operator of** a school of

1 cosmetology ~~with a~~ **holds a** license ~~limited that limits the school~~
 2 **to** only ~~to the~~ teaching of electrology, **the school** shall teach only
 3 electrology and not any other cosmetology service.

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

7 (c) ~~Shall maintain 1 person licensed as an~~ **Employ or engage at**
 8 **least 1 licensed** instructor, **who is** competent to ~~impart~~ **provide**
 9 instruction in each subject of its curriculum, for every 20
 10 students.

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

12 (e) ~~Instructors shall~~ **Allow instructors to** practice on the
 13 public only to demonstrate techniques to students and to correct
 14 the work of students.

15 (f) **If a specialist demonstrator gives a classroom**
 16 **demonstration, ensure that a licensed instructor supervises the**
 17 **demonstration.**

18 (g) **The premises of the school are completely separated by**
 19 **full partitions and doors from any other activity, business, or**
 20 **dwelling.**

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

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

28 (j) ~~(f) At the time of the enrollment of a student, shall~~
 29 ~~furnish the~~ **he or she enrolls in the school, provide to each**

1 student a financial contract ~~showing~~ **that states** the total cost and
 2 all charges involved in the complete course of study.

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

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

19 ~~(4) The department may issue a limited school of cosmetology~~
 20 ~~license to~~ **the operator of** a school ~~teaching only that only teaches~~
 21 ~~electrology. A school of cosmetology whose license is limited to~~
 22 ~~teaching only that is only authorized to teach~~ electrology ~~shall~~
 23 ~~fulfill~~ **must meet** all of the requirements of this section, except
 24 that **only an instructor who is authorized to perform electrology**
 25 **may provide the** daily supervision of the school ~~shall be provided~~
 26 ~~by an electrology instructor~~ **required under subsection (1) (d)**, and
 27 the curriculum offered and equipment and facilities required shall
 28 be only those required for the teaching of electrology.

29 ~~(5) A school of cosmetology or a cosmetology establishment~~

1 ~~conducting an apprenticeship program shall comply with all of the~~
 2 ~~following requirements:~~

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

5 ~~(b) Keep a daily record of the attendance of each student or~~
 6 ~~apprentice, a copy of which shall be sent to the department~~
 7 ~~monthly, establish grades, and require a student or apprentice to~~
 8 ~~pass an examination before certifying to the department that an~~
 9 ~~individual has completed training.~~

10 ~~(c) Permit a cosmetology student or apprentice to practice on~~
 11 ~~the public only after completing at least 350 hours of instruction~~
 12 ~~in the general cosmetology curriculum, including both theory and~~
 13 ~~practical hours. A student or apprentice in a natural hair~~
 14 ~~cultivation, manicuring, skin care, or electrology curriculum may~~
 15 ~~practice on the public only after completing at least 1/4 of the~~
 16 ~~hours required by the applicable curriculum, including both theory~~
 17 ~~and practical hours.~~

18 ~~(6) The transfer of ownership or location of a school of~~
 19 ~~cosmetology voids the license. The filing of a new license~~
 20 ~~application is a predicate to the change in ownership or location~~
 21 ~~of a school.~~

22 **(5) The license of the operator of a school of cosmetology is**
 23 **considered void if there is a sale or other transfer of the school,**
 24 **a sale or other transfer of the ownership of the operator, or a**
 25 **change in the location of the school. A person whose license is**
 26 **void under this subsection must submit a new license application**
 27 **and obtain a new license to continue to operate a school of**
 28 **cosmetology.**

29 **Sec. 1205a. (1) The operator of a school of cosmetology, or**

1 the operator of a cosmetology establishment that conducts an
2 apprenticeship program, shall ensure that the school or
3 apprenticeship program meets all of the following requirements:

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

6 (b) A daily record of the attendance of each student or
7 apprentice is maintained and a copy of the record is sent to the
8 department monthly.

9 (c) A grading system for students or apprentices is
10 established.

11 (d) A student or apprentice is required to pass an examination
12 before the operator of the school or establishment certifies to the
13 department that he or she has completed training.

14 (e) A student or apprentice is only permitted to practice on
15 members of the public after he or she completes at least 350 hours
16 of instruction in the general cosmetology curriculum, including
17 both theory and practical hours. A student or apprentice in a
18 natural hair cultivation, manicuring, skin care, or electrology
19 curriculum may only practice on the public after he or she
20 completes at least 1/4 of the hours required by the applicable
21 curriculum, including both theory and practical hours.

22 (f) Before the school begins training a student, or the
23 establishment accepts an apprentice, the operator of the school or
24 establishment obtains proof that the student or apprentice has a
25 high school education, or the equivalent of a high school
26 education. This subdivision does not apply to a student who is
27 enrolling in a program offered as a part of the regular curriculum
28 of a public school and approved by the state board of education.

29 (g) Before the school begins training a student, or the

1 establishment accepts an apprentice, the operator of the school or
 2 establishment submits an application to the department on behalf of
 3 the student or apprentice. The operator of the school or
 4 establishment shall retain a copy of the proof of education
 5 described in subdivision (f), if applicable, and the application
 6 described in this subdivision in the records of the school or
 7 establishment until the student or apprentice applies for
 8 examination to obtain a license.

9 (2) The operator of a cosmetology establishment that conducts
 10 an apprenticeship program shall not charge a fee for the teaching
 11 of cosmetology services to apprentices on the premises.

12 (3) The operator of a cosmetology establishment where 1
 13 apprentice has been successfully trained may allow the training of
 14 additional apprentices at the establishment, except that not more
 15 than 2 apprentices may be trained at the same time.

16 (4) If the location of a cosmetology establishment where an
 17 apprenticeship program is conducted changes, the operator of the
 18 cosmetology establishment may continue the apprenticeship program
 19 at the new location if a new license is issued under section
 20 1204(4), and apprentices who were receiving training at the
 21 original location may continue to receive training at the new
 22 location.

23 Sec. 1211. (1) ~~Upon submission of an application to the~~
 24 ~~department, an~~ **An individual who is** licensed to perform cosmetology
 25 services under the laws of another state **may submit an application**
 26 **to the department, and the department** shall ~~without examination~~
 27 ~~be granted~~ **issue** a license to ~~practice the~~ **perform those** services
 28 ~~for which that individual was previously licensed~~ if the **department**
 29 **determines that all of the following are met:**

1 (a) ~~The applicant is not less than 17 years of age,~~ **at least**
2 **17 years old.**

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

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

10 (2) Years or months of experience may be substituted for hours
11 of training in a ratio of 100 hours of training credited for each 6
12 months of experience.

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

18 Sec. 1217. A licensee ~~who that~~ commits or has committed 1 or
19 more of the following is subject to the penalties set forth in
20 article 6:

21 (a) Continued practice by ~~a person knowingly having an~~
22 **individual who knows he or she has** an infectious or contagious
23 disease.

24 (b) Practicing cosmetology on the public outside of **the**
25 **premises of** a licensed cosmetology establishment or school of
26 cosmetology. However, a licensed cosmetologist may ~~serve~~ **perform**
27 **cosmetology services for** a patron ~~in~~ **at a location that is not on**
28 **the premises not licensed as of** a **licensed** cosmetology
29 establishment ~~provided that the services rendered involve a~~ **if the**

1 **services are performed at any of the following:**

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

4 (ii) A nursing home, as defined in section 20109 of the public
5 health code, 1978 PA 368, MCL 333.20109, for a patient or resident
6 of that nursing home.

7 (iii) A home for the aged, as defined in section 20106 of the
8 public health code, 1978 PA 368, MCL 333.20106.

9 (iv) An adult foster care facility, as defined in section 3 of
10 the adult foster care facility licensing act, 1979 PA 218, MCL
11 400.703.

12 ~~(c) Contracting with, being employed by, or being provided~~
13 ~~space or leasing space from a hospital, nursing home, convalescent~~
14 ~~home, or similar facility for the purpose of practicing~~
15 ~~cosmetology, without a cosmetology establishment license. However,~~
16 ~~a licensed cosmetologist may practice on a patient in a hospital,~~
17 ~~nursing home, convalescent home, or similar facility, or on a~~
18 ~~person requiring home care because of an illness or infirmity.~~

19 Sec. 1218. (1) The department shall inspect each cosmetology
20 establishment at least once annually. The department shall inspect
21 each school of cosmetology or cosmetology establishment training
22 apprentices at least twice annually.**may inspect a cosmetology**
23 **establishment or school of cosmetology to determine whether the**
24 **licensee is conforming to this article and the rules promulgated**
25 **under this article.**

26 (2) A representative of the department shall be allowed to ~~may~~
27 enter and inspect, during regular business hours, a cosmetology
28 establishment or school of cosmetology ~~to determine whether the~~
29 ~~licensee is conforming to this article and the rules promulgated~~

1 ~~under this article.~~ **for purposes of subsection (1).**

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

7 Enacting section 1. Section 1214 of the occupational code,
8 1980 PA 299, MCL 339.1214, is repealed.

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