

HOUSE BILL NO. 5684

April 25, 2024, Introduced by Reps. Liberati, Neeley, Snyder, McFall, Hood, Wilson, Fitzgerald, Brenda Carter, Aragona, Tyrone Carter, Scott and Grant and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1201 and 1210 (MCL 339.1201 and 339.1210), section 1201 as amended by 2020 PA 20 and section 1210 as amended by 1997 PA 97.

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.

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

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

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

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

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

29 (t) "School of cosmetology" means a school that teaches 1 or

1 more cosmetology services at a premises designated in the license
2 application.

3 (u) "Skin care services" includes the ~~following~~ services or
4 combination of services **described in section 1210(2)**. ÷

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

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

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

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

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

22 Sec. 1210. (1) ~~After the expiration of 12 months after the~~
23 ~~effective date of the 1997 amendatory act that amended this~~
24 ~~section, the~~ **The** department shall issue a license as an esthetician
25 to an individual who fulfills all of the following requirements:

26 (a) Is ~~at least~~ **not less than** 17 years of age.

27 (b) Is of good moral character.

28 (c) Has had an education equivalent to the completion of the
29 ninth grade.

1 (d) Has completed not less than 400 hours of training either
2 in a licensed school of cosmetology or as an apprentice for not
3 less than 6 months in a licensed cosmetology establishment where
4 skin care services are rendered. The training shall ~~must~~ include a
5 minimum number of practical applications as prescribed in rules
6 promulgated by the director.

7 (e) If an examination is available, has passed an examination
8 prescribed by the board and the department.

9 ~~(2) Until the expiration of 12 months after the effective date~~
10 ~~of the 1997 amendatory act that added this subsection, the~~
11 ~~department shall issue a license as an esthetician to an individual~~
12 ~~who fulfills all of the following requirements:~~

13 ~~(a) Is at least 17 years of age.~~

14 ~~(b) Is of good moral character.~~

15 ~~(c) Has had an education equivalent to the completion of the~~
16 ~~ninth grade.~~

17 ~~(d) Provides evidence of having obtained the equivalent of 6~~
18 ~~months of full-time experience in skin care services in this or any~~
19 ~~other state within the 12 months immediately preceding the date of~~
20 ~~application.~~

21 ~~(2) (e) If an examination is available, has passed an~~
22 ~~examination prescribed by the board and the department.~~ **An**

23 **esthetician or a cosmetologist may perform the following skin care**
24 **services or combination of skin care services:**

25 (a) Beautifying the skin of the body of an individual by using
26 cosmetic preparations, antiseptics, tonics, lotions, or creams,
27 including body wrapping.

28 (b) Cleansing or stimulating the skin of the body of an
29 individual by using the hands, devices, apparatus, noninvasive

1 light, or appliances, with or without using cosmetic preparations,
2 antiseptics, tonics, lotions, or creams.

3 (c) The temporary removal of hair from the body of an
4 individual by using depilatories, waxes, razors, scissors,
5 clippers, thread, or tweezers.

6 (d) Facials, applying removable makeup, eyelashes, or any
7 other application of a preparation or beauty enhancement to the
8 body of an individual, not including permanent makeup or the use of
9 tanning equipment, except for spray tan equipment.

10 (e) Exfoliating only the stratum corneum cells of an
11 individual. An esthetician or cosmetologist may use a product,
12 chemical, mechanical device, electrical service, or class 1 medical
13 device to exfoliate the stratum corneum.

14 (f) Dermaplaning or microdermabrasion.

15 (g) Nonmedical grade hydrodermabrasion.

16 (h) Applying a nonmedical grade chemical peel.

17 (i) High-frequency treatment, if the esthetician or
18 cosmetologist has documented training approved by the department to
19 perform the treatment.

20 (j) Eyebrow services, including lamination and tinting.
21 Eyebrow tinting must be performed with a product that does not last
22 for more than 6 weeks.

23 (k) Eyelash services, including extensions and tinting.

24 (l) Facial cupping.

25 (3) An esthetician or cosmetologist who performs a skin care
26 service shall comply with part 138 of the public health code, 1978
27 PA 368, MCL 333.1801 to 333.13832, for the disposal of medical
28 waste.

29 (4) An esthetician or cosmetologist shall not provide services

1 that use a device that produces or amplifies electromagnetic
2 radiation at wavelengths of 180 nanometers or more.

3 (5) This section does not prohibit an esthetician or
4 cosmetologist from performing an act, task, or function related to
5 a skin care service under the delegation of a physician under
6 section 16215 of the public health code, 1978 PA 368, MCL
7 333.16215.

8 (6) As used in this section:

9 (a) "Class 1 medical device" means a low-risk device that
10 requires minimal regulatory oversight and is used for basic
11 aesthetic procedures, including, but not limited to, LED light
12 therapy and noninvasive skin care tools.

13 (b) "High-frequency treatment" means a skin care service that
14 uses electrical stimulation to treat various conditions, including,
15 but not limited to, acne, wrinkles, and skin renewal.

16 (c) "Nonmedical grade" means a product or material that is not
17 certified for medical use only.

18 Enacting section 1. This amendatory act does not take effect
19 unless Senate Bill No. ____ or House Bill No. 5683 (request no.
20 04185'23) of the 102nd Legislature is enacted into law.