

# HOUSE BILL NO. 5684

April 25, 2024, Introduced by Reps. Liberati, Neeley, Snyder, McFall, Hood, Wilson, Fitzgerald, Linda 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:**

Sec. 1201. As used in this article:

- (a) "Apprentice" means an individual who is engaged in learning cosmetology in a cosmetology establishment.
- (b) "Braiding" means providing or offering to the general public for compensation any of the following services solely for development or improvement of physical qualities of the natural hair structure:

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

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

(iii) Twisting in a systematic motion.

(iv) Extension with natural or synthetic fibers.

(c) "Cosmetologist" means an individual who performs or offers to perform 1 or more cosmetology services.

(d) "Cosmetology" means performing 1 or more cosmetology services.

(e) "Cosmetology establishment" means a place of business at which 1 or more cosmetology services are offered or provided. Cosmetology establishment includes a mobile salon and a cosmetology suite. Cosmetology establishment does not include a school of cosmetology.

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

(i) Hair care services.

(ii) Skin care services.

(iii) Manicuring services.

(iv) Electrology.

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

(h) "Electrologist" means an individual who performs or offers to perform electrology.

(i) "Electrology" means the permanent removal of hair from the body of an individual by the use of electricity.

(j) "Esthetician" means an individual who performs or offers to perform skin care services.

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

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

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

(n) "Manicurist" means an individual who performs or offers to perform manicuring services.

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

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

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

(A) A cosmetology establishment owned by another person.

(B) A client's home.

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

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

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

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

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

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

(t) "School of cosmetology" means a school that teaches 1 or more cosmetology services at a premises designated in the license application.

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

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

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

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

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

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

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

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

(b) Is of good moral character.

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

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

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

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

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

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

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

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

**(2) (e) If an examination is available, has passed an examination prescribed by the board and the department. An esthetician or a cosmetologist may perform the following skin care services or combination of skin care services:**

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

**(b) Cleansing or stimulating the skin of the body of an individual by using the hands, devices, apparatus, noninvasive light, or appliances, with or without using cosmetic preparations, antiseptics, tonics, lotions, or creams.**

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

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

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

(f) Dermaplaning or microdermabrasion.

(g) Nonmedical grade hydrodermabrasion.

(h) Applying a nonmedical grade chemical peel.

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

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

(k) Eyelash services, including extensions and tinting.

(l) Facial cupping.

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

(4) An esthetician or cosmetologist shall not provide services that use a device that produces or amplifies electromagnetic radiation at wavelengths of 180 nanometers or more.

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

(6) As used in this section:

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

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

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

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