

Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Cosmetology - General Rules

5. Rule numbers or rule set range of numbers:

R 338.2101 - R 338.2195

6. Estimated time frame:

12 months

Name of person filling out RFR:

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

These rules provide licensure and sanitation requirements for cosmetologists. The rules also provide operational and equipment requirements for a cosmetology establishment and a school of cosmetology and set minimal standards of acceptable practice for the profession.

The rules will be amended to ensure that sanitation standards are clear and up-to-date. The rules will also be amended to clarify requirements for licensure, relicensure, and licensure by endorsement, requirements for conducting apprenticeships, and requirements for the operation of cosmetology schools and establishments. The rules pertaining to prohibitions applicable to licensees, students, and apprentices will also be revised to provide up-to-date information.

Additionally, the rules will be amended to comply with recent statutory changes concerning the training required for licensure of cosmetology instructors, MCL 339.1206, manicurists, MCL 339.1209, and estheticians, MCL 339.1210, and to ensure that the curriculum requirements for applicants who will be licensed to provide skin care services comply with the statutory changes to the scope of practice for skin care services, as amended MCL 339.1210, effective April 2, 2025.

All rules will be reviewed and amended as needed for clarity and to provide up-to-date standards and information.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The department in consultation with the board.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 339.205, 339.308, 339.310, 339.1203, 339.1204, 339.1205, 339.1207, 339.1208, 339.1209, and 339.1210, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 339.205 requires the department to promulgate rules that are necessary and appropriate for it to fulfill its role.

MCL 339.308 requires the board to promulgate rules that are necessary and appropriate for it to fulfill its role.

MCL 339.1203 requires the department in consultation with the board to establish sanitation standards and rules for the operation of mobile salons and the performance of cosmetology services in or at mobile salons.

MCL 339.1205 requires the department to establish, by rule, the criteria for determining whether an hour of instruction at a state barber college is substantially similar to an hour of instruction at a school of cosmetology.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

The subject matter of the proposed rules is not currently contained in any guidance, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The rules do not incorporate the recommendations received from the public regarding any complaints or comments regarding the current rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended November 4, 2021. There have been statutory changes to MCL 339.1206, 339.1209, and 339.1210 since the last evaluation. There have been no other changes in technology, economic conditions, or other factors that have changed the regulatory activities since the last evaluation.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There have been no changes or developments since implementation that demonstrate there is no continued need for the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes

Based on the information provided in this RFR, MOAHR concludes that there are sufficient policy and legal bases for approving the RFR. The RFR satisfies the requirements of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and Executive Order No. 2019-6.