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# Memorandum

## VIA E-MAIL

**DATE:** September 17, 2021

**TO:** Representative Luke Meerman, Chairperson, JCAR  
Senator Jon Bumstead, Alternate Chairperson, JCAR  
Jonathan Shiflett, Senate Majority Policy Office  
Jimmy Biehl, House Republican Policy Office  
Tim Reeves, Counsel, JCAR  
Elizabeth Edberg, Counsel, JCAR

**FROM:** Derek Sova, Office of Policy and Legislative Affairs

**SUBJECT:** Joint Committee on Administrative Rules (JCAR) Briefing Memo for Rule Set 2020-050 LR (Cosmetology – General Rules)

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## Rules Primer

This rule set pertains to the licensure of cosmetology schools and establishments, licensure and relicensure of cosmetologists, electrologists, estheticians, manicurists, natural hair culturists, and instructors, including establishing the requirements of the curriculum for each license type. The rule set also establishes requirements for the operation of cosmetology establishments and schools and health and safety standards for students, apprentices, licensees, cosmetology establishments, and cosmetology schools.

The rules will be amended to provide clarity, inform applicants of the requirements for licensure, relicensure, and licensure by endorsement, and update curriculum, operational standards, and sanitation standards. The rule pertaining to branch facility licensure will be amended to sunset the license because it is not authorized by statute.

Additionally, new rules will be added to comply with statutory changes, such as providing the requirements for the operation of mobile salons and setting the criteria to permit some hours of instruction earned in a state barber college to be substituted for required courses in a cosmetology educational program.

## **Summary of the Final Proposed Rule**

The proposed rules will:

- Clarify terms used in the rule set, identify the examinations required for a cosmetology license, specialty license, or instructor license, provide guidance to applicants for licensure by endorsement, and clarify relicensure requirements.
- Advise cosmetology establishments and cosmetology schools of the duties that arise if there is a change of ownership, relocation, or closure of the establishment. and make clear the result of a transfer of ownership by a cosmetology establishment or school.
- Phase out the practice of branch facility licensure in a nondisruptive manner.
- Establish the criteria for determining whether an hour of instruction completed at a state barber college is substantially similar in content to hours of instruction at a school of cosmetology, as required by MCL 339.1205. They also establish a cosmetology school's duties when it has permitted a student to substitute substantially similar hours from the barber college curriculum into the cosmetology curriculum.
- Remove outdated requirements currently imposed on cosmetology establishments and schools and clarify the minimum reporting requirements for a cosmetology school.
- Provide standards for the delivery of distance education to assist schools in the delivery of the program while maintaining the educational standards required for student success and public safety.
- Update the educational curriculum to ensure licensees are current and that students are provided with adequate training.
- Modify rules pertaining to general health and safety to remove ambiguities, provide the requirements for disinfecting and sterilizing, and to ensure patron protection, including updating the list of prohibited actions by a student, apprentice, or licensee.
- Add new rules regarding mobile salons, as required by MCL 339.1203 (PA 20 of 2020).

## **Stakeholder Engagement**

This rule set was originally opened in 2017 and went to public hearing for the first time on December 19, 2019. Many rules work groups meetings were held and public comments were taken regarding the rules on and before December 19, 2017.

The rules were not promulgated following that hearing because the rule set was withdrawn and reopened to incorporate rules required under recently passed legislation, for example, adding rules for mobile salons and establishing the criteria for determining if hours of instruction previously earned in a Michigan-licensed barber college were substantially similar to required hours in a student's cosmetology curriculum and can be substituted.

After these rules were reopened, rules workgroup meetings were held on September 21, 2020, and December 11, 2020. The meeting on December 11, 2020, was a joint rules workgroup meeting with the rules subcommittee from the Board of Barber Examiners. Notice was given for all rules workgroup meetings and members of the public attended and commented during those meetings.

### **Public Engagement and Public Hearing/Comment/Information**

The public comment period for this rule set opened May 4, 2021, and ended at 5 p.m. on May 17, 2021. The public hearing was held on May 17, 2021, at 9:00 a.m.

The department received comments by email during the public comment period and on the record during the public hearing. The Michigan Board of Cosmetology voted on August 2, 2021, to approve several changes suggested during the comment period. Those changes have been included in the final proposed rules.

### **Significant Issues Not Incorporated in the Final Proposed Rules**

There were no significant issues raised that were not addressed in the final proposed rules.

cc/att:           Orlene Hawks, Director, LARA  
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