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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

**MICHIGAN BOARD OF COSMETOLOGY
RULES COMMITTEE WORK GROUP
MEETING MINUTES**

APRIL 11, 2022

The Michigan Board of Cosmetology Rules Work Group, met on April 11, 2022. The meeting was held via Zoom.

CALL TO ORDER

Kimmy Catlin called the meeting to order at 10:00 a.m.

ATTENDANCE

Members Present: Cindy Straley
Teri Baranski
Victoria Williams

Members Absent: None

Staff Present: Kimmy Catlin, Board Support, Board and Committees Section
Dawn Gage, Manager, Licensing Division
Dena Marks, JD, Departmental Specialist, Board and Committees Section
Debi Haigh, Analyst, Licensing Division
Sarah Rock, Manager, Investigations and Inspections Division

Public Present:

RULES DISCUSSION – A copy of the current rules is attached to this document.

Marks presented the changes to the draft and explained the promulgation process and timeline.

Marks presented the non-substantive changes.

Discussion was held.

(g) “Cosmetology subfield license” means an electrologist, esthetician, manicurist, or natural hair culturist license.

The Rules Committee agreed to remove the word “cosmetology” on this rule.

R 338.2121b Licensure by endorsement; substantially equal requirements; substituted experience.

The Rules Committee agreed to leave the rule as written.

R 338.2121c Relicensure requirements.

The Rules Committee agreed to leave the rule as written.

R 338.2126a Establishment license.

Marks stated that there were no substantive changes made to this rule.

The Rules Committee agreed to leave the rule as written.

R 338.2127 Establishment or school, permanent, physical business; change of ownership or location; closure; student’s or apprentice’s records; branch facility license.

Marks stated that the effective date has been added.

Baranski inquired if under subpart (5) if the Department email address can be included.

Gage explained that Department contact information is given when letters are sent to licensees.

Williams inquired if a suite and mobile salon are considered the same thing.

Marks explained the difference between a suite and mobile salon.

Straley inquired if a mobile salon license was needed when a cosmetologist travels to a nursing home to do a patient’s hair.

Marks stated it would not need a mobile salon license.

R 338.2132 School owner’s duty concerning equipment requirements; School equipment requirements.

Baranski inquired about theory and practical being performed separately.

Rock stated they cannot occur at the same time in the same place.

Williams inquired why subpart (c) was removed.

Marks stated it was removed because it was stated elsewhere throughout the rules.

R 338.2138 Establishment or school owner's duty concerning program requirements; School and apprenticeship program requirements.

Marks presented the changes to the rule.

Rock stated that the owner was not always the licensee, so subpart (6) needed clarification.

Marks stated that she will investigate this issue and bring it back to the committee.

R 338.2161 Cosmetology curriculum.

Straley stated the scope of services was not specific enough for estheticians and was causing issues in the field.

Marks stated this was in statute.

Straley stated that further clarification was needed on acceptable use of tools.

R 338.2169a Cosmetologist, esthetician, electrologist, manicurist, and natural hair culturist curriculum.

The Rules Committee agreed to review the table and discuss at the next meeting.

Discussion was held.

R 338.2170 Distance education requirements.

Marks stated this rule was moved not modified.

R 338.2171 Establishment, ~~and school~~, or establishment or school owner's duties; requirements.

Marks presented the rule.

Straley stated that a pedicure basin needed to be defined.

R 338.2171a Disinfecting and sterilizing requirements; non-electrical and electrical tools; towels, capes, and neck strips; chairs, headrests, tables, and beds; pedicuring basins; shampoo bowls, dusters, and brushes; laundering reusable towels, capes, and neck strips.

Marks presented the rule.

Straley requested that “enclosed” be added to subpart (c).

Marks stated she will add storage requirements.

Discussion was held.

Rule 71b.

Straley requested that the word “fully enclosed” be added in front of covered containers.

Discussion was held.

PART 6. OPERATION OF MOBILE SALON

Marks inquired if the removal of a fully functioning restroom was needed for a mobile salon.

The Rules Committee requested to review and discuss at the next meeting.

ADJOURNMENT

The meeting adjourned at 12:01 p.m.

Prepared by:
Kimmy Catlin, Board Support
Bureau of Professional Licensing

April 11, 2022

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

COSMETOLOGY – GENERAL RULES

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the department of licensing and regulatory affairs by sections 205, 1203, 1205, 1207, 1208, 1209, and 1210 of the occupational code, 1980 PA 299, MCL 339.205, 339.1203, 339.1205, 339.1207, 339.1208, 339.1209, and 339.1210; and on the board of cosmetology by section 308 of the occupational code, 1980 PA 299, MCL 339.308; and by Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.2101, R 338.2121a, R 338.2121b, R 338.2121c, R 338.2126a, R 338.2127, R 338.2131, R 338.2132, R 338.2136, R 338.2138, R 338.2158, R 338.2161, R 338.2162, R 338.2163, R 338.2163a, R 338.2163b, R 338.2163c, R 338.2166, R 338.2167, R 338.2168, R 338.2169, R 338.2169a, R 338.2169b, R 338.2171, R 338.2171a, R 338.2171b, R 338.2171c, R 338.2179e, R 338.2179g, R 338.2180, R 338.2187, R 338.2188, of the Michigan Administrative Code are amended, R 338.2121 and R 338.2170 are added, and R 338.2158 is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 338.2101 Definitions.

Rule 1. (1) As used in these rules:

(a) "Apprenticeship program" means a ~~licensed~~ cosmetology **teaching program conducted in a licensed** establishment ~~that is teaching~~ cosmetology **services** to an apprentice without charging a fee.

(b) "Autoclave" means a device registered and listed as an autoclave or dry-heat sterilizer with the United States Food and Drug Administration.

(c) "Blade" means a flat or curved implement designed for cutting, including, but not limited to, implements commonly referred to as razors, callus shavers, graters, and credo blades intended to cut or shave growths of skin on the hands and feet.

(d) "**Board**" means the **Michigan board of cosmetology created under section 1202 of the code, MCL 339.1202.**

~~(d)~~(e) "Clean" or "cleaned" means an item that was disinfected, ~~or~~ sterilized, **or laundered, as applicable**, pursuant to R 338.2171a or a new and unused ~~single-use~~ **one-time-use** item.

~~(e)~~(f) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

~~(f)~~(g) "Department" means the department of licensing and regulatory affairs.

~~(g)~~(h) "Disinfectant" means a substance, or mixture of substances, that is registered as a disinfectant by the United States Environmental Protection Agency (EPA).

~~(h)~~(i) "Equivalent" means the passing of a standard examination that is equal to or greater than the statutorily required grade level or a statement from a school administrator indicating that the person has potentially and scholastically achieved the required grade.

~~(i)~~(j) "Establishment" means a cosmetology establishment as defined under section 1201(e) of the code, MCL 339.1201, and includes a mobile salon, as defined in section 1201(o) of the code, MCL 339.1201, and a cosmetology suite as defined in section 1201(g) of the code, MCL 339.1201.

~~(j)~~(k) "Patron" means an individual receiving a cosmetology service whether or not the individual intends to pay for the service.

~~(k)~~(l) "Practical application" means a service performed on a mannequin, student, or patron.

~~(l)~~(m) "Practical hours" means hours ~~spent~~ **spent** performing a practical application.

~~(m)~~ "Reactive chemicals" means, but is not limited to, any of the following:

- ~~—(i) Permanent wave solutions.~~
- ~~—(ii) Relaxers.~~
- ~~—(iii) Temporary, semipermanent, or permanent hair colorings.~~
- ~~—(iv) Hair lighteners.~~
- ~~—(v) Acids.~~
- ~~—(vi) Bases.~~
- ~~—(vii) Creams.~~
- ~~—(viii) Fluids.~~
- ~~—(ix) Any other preparation designed to modify or rearrange the structure of the hair, skin, or nails. This can come out if we remove R 338.2179g(3). It's the only place the term is used.~~

(n) "School" means a school of cosmetology licensed under section 1205 of the code, MCL 339.1205, which may include a school of cosmetology with a license limited only to the teaching of electrology.

~~(o)~~ "Specialty license" means an electrologist license, esthetician license, manicurist license, or natural hair cultivation license.

~~(p)~~ "Specialty service" means a service pertaining to electrology, skin care services, manicuring, or natural hair cultivation.

~~(q)~~(p) "Sterilant" means a substance, or mixture of substances, that is registered as a sterilant by the EPA.

(q) "Subfield license" means an electrologist, esthetician, manicurist, or natural hair culturist license.

~~(r)~~(s) "Wet sanitizer" means a covered container filled with a liquid substance, or mixture of liquid substances, that is registered as a disinfectant or sterilant by the EPA.

(2) Terms that are defined in the code have the same meaning when used in these rules.

PART 2. LICENSES

SUBPART 1. INDIVIDUALS

R 338.2121 Foreign educated or trained applicants; education or training evaluation requirements.

Rule 21. (a) An applicant who received education or training outside the United States shall provide evidence that the education or training was substantially equivalent to the requirements under part 4 of these rules.

(b) Evidence of completing education or training that is substantially equivalent shall include an evaluation completed by Educational Credential Evaluators, Inc.

Licensing is still working on this one.

R 338.2121a Examination requirement; examination administrator; valid score.

Rule 21a. (1) ~~For 1 year following the date of promulgation of these rules~~ **Before November 4, 2022**, an applicant for an initial cosmetology or ~~specialty-subfield~~ license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.

(2) ~~Beginning 1 year after promulgation of these rules~~ **November 4, 2022**, the board adopts the National Barber Cosmetology Program (NBCP) examination developed and scored by PSI Services, LLC, (PSI). An applicant for ~~a~~ **an initial** cosmetology ~~license or specialty-subfield~~ license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP, as determined by PSI, on the examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned.

(3) ~~For 1 year following the date of promulgation of these rules~~ **Before November 4, 2022**, an applicant for an initial cosmetology, **electrology**, or **limited specialist** ~~specialty instructor instructor's~~ license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned. The examination does not need to be repeated if a licensed instructor applies for a subsequent cosmetology, **electrology**, or **specialty limited specialist** ~~instructor instructor's~~ license.

(4) ~~Beginning 1 year after promulgation of these rules~~ **November 4, 2022**, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial cosmetology, **electrology**, or **specialty limited specialist** ~~instructor instructor's~~ license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP, as determined by PSI, on the examination required for the license pursuant to Table 21a. A passing score is valid for 1 year from the date it was earned. **The examination does not need to be repeated if a licensed instructor applies for a subsequent cosmetology, electrology, or limited specialist instructor's license.**

(5) The state examination shall be administered by a third party chosen by the department. The NBCP shall be administered by PSI or its successor organization.

(6) The passing score on the state or national examination is determined by the third party chosen to administer the examination.

TABLE 21a

License Type		Required Examination
(a)	Cosmetologist	Cosmetologist theory

		Cosmetologist practical
(b)	Electrologist	Electrologist theory Electrologist practical
(c)	Esthetician	Esthetician theory Esthetician practical
(d)	Manicurist	Manicurist theory Manicurist practical
(e)	Natural hair culturist	Natural hair culturist theory Natural hair culturist practical
(f)	Instructor	Cosmetology instructor Instructor theory

R 338.2121b Licensure by endorsement; substantially equal requirements; substituted experience.

Rule 21b. (1) An individual who is licensed to perform cosmetology services in another state may apply for a cosmetology **or subfield** license ~~or specialty license~~ by endorsement, **as applicable**, under this rule.

(2) An applicant for licensure by endorsement, in addition to meeting all the requirements under section 1211 of the code, MCL 339.1211, **and the rules promulgated under the code** shall submit an application on a form provided by the department, pay the required fee, and satisfy all of the following requirements:

(a) Establish that ~~he or she~~ **the applicant** has an education equivalent to the completion of the ninth grade.

(b) Hold an active license or registration in good standing from another state that authorizes ~~him or her~~ **the applicant** to perform a cosmetology **or subfield license** service in that state. ~~An The applicant's license or registration in good standing~~ **applicant shall disclose be verified by the licensing or registering agency of each state in which the applicant holds or ever held a license or registration to practice a cosmetology or subfield license service.** as a cosmetologist. ~~If applicable, verification must include the record of any disciplinary action taken or pending against the applicant.~~

(c) Provide proof of any name change, if the name on the application does not match the name shown on the submitted documents.

(d) Demonstrate that the licensure or registration requirements of the state in which ~~he or she~~ **the applicant** is authorized to perform a cosmetology **services or subfield license service** are substantially equal to the requirements for licensure under the code and these rules.

(3) Another state's requirements are considered substantially equal to the requirements of a cosmetologist license if both of the following conditions are satisfied:

(a) The state required an applicant ~~for a cosmetology license or registration~~ to pass 1 or more examinations that tested cosmetology theory and practical cosmetology application that is substantially equal to the theory and practical application examinations for licensure in this state.

(b) The state required an applicant to receive not less than 1,500 hours of prelicensure training as a student in cosmetology services or not less than 2 years of prelicensure training as an apprentice in cosmetology services.

(4) Another state's requirements are considered substantially equal to the requirements of a ~~specialty~~ **subfield** license if both of the following conditions are satisfied:

(a) The state required an applicant for a ~~specialty cosmetology~~ **subfield** license or registration to pass 1 or more examinations that tested the ~~specialty~~ cosmetology theory and practical ~~specialty cosmetology~~ application substantially equal to the theory and practical application examinations for **the applicable** licensure in this state.

(b) The state required an applicant to receive not less than 400 hours of prelicensure training as a student in the services for which the applicant seeks a ~~specialty~~ **subfield** license or not less than 6 months of prelicensure training as an apprentice in the services for which the applicant seeks a ~~specialty~~ **subfield** license.

(5) Pursuant to section 1211(2) of the code, MCL 339.1211, the hours of prelicensure training required under the code and these rules may be substituted with work experience at a ratio of 100 hours of training for each 6 months of work experience. To receive credit, the applicant shall attest, on a form provided by the department, that ~~he or she~~ **the applicant** was employed for a period of time equal to the number of hours of training required for the license.

(6) An applicant's license **or registration** must be verified by the licensing agency of each state of the United States in which the applicant holds or has ever held a cosmetology, ~~electrology, esthetician, manicuring, or natural hair culturist~~ **or subfield** license **or registration**. Verification includes, but is not limited to, showing proof that the applicant's license **or registration** is in good standing and, if applicable, any disciplinary action taken or pending against the applicant.

R 338.2121c Relicensure requirements.

Rule 21c. (1) An applicant whose cosmetologist or ~~specialty~~ **subfield** license has lapsed for 3 years or less after the expiration date of the last license may be relicensed under section 411(3) of the code, MCL 339.411, after submitting a completed application on a form provided by the department and the required fee.

(2) An applicant whose cosmetologist or ~~specialty~~ **subfield** license has lapsed for more than 3 years after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, after submitting a completed application on a form provided by the department, the required fee, and satisfying either of the following requirements:

(a) Pass the ~~examinations~~ **examination approved and adopted in R 338.2121a and** required for the applicable license pursuant to Table 21a under R 338.2121a within ~~a~~ **the** 1-year period immediately preceding the date of ~~the~~ relicensure.

(b) Establish that ~~he or she~~ **the applicant** has held an active cosmetology **or subfield** license, **as applicable**, in good standing in another state within the 3 years preceding application for relicensure. **Verification includes, but is not limited to, showing proof that the applicant's license is in good standing and, if applicable, that any disciplinary action taken or pending against the applicant has been resolved.**

SUBPART 2. ESTABLISHMENTS AND SCHOOLS

R 338.2126a ~~Cosmetology establishment~~ **Establishment** license.

Rule 26a. An applicant for an establishment license, in addition to meeting the requirements of the code, shall satisfy all of the following:

(a) Submit an application as required by the department, together with the required fee.

(b) If the premises of the establishment is either a permanent, physical location, including a cosmetology suite, or is a mobile salon as defined in section 1201(o)(i) of the code, MCL 339.1201, **submit** a drawing or diagram showing the location of the equipment and facilities required by the code and these rules ~~must be submitted~~ to the department at the time of application.

(c) If the premises of the establishment is a mobile salon as defined in section 1201(o)(ii) of the code, MCL 339.1201, **submit** photographs demonstrating the establishment's compliance with the requirements of R 338.2171(1)(c) to (e), (g) to (i), (2)(e), (3), and (4) ~~must be submitted~~ to the department at the time of application.

(d) The establishment and its premises shall pass the inspection required by section 1204(1)(c) of the code, MCL 339.1204. To pass the inspection the establishment shall demonstrate its compliance with all requirements of the code and these rules.

R 338.2127 **Establishment or school** ~~Permanent~~, **permanent**, physical business address; change of ownership or location; closure; **student's or apprentice's records**; branch facility license.

Rule 27. (1) An establishment, **school, or the owner of an establishment** or school shall provide **the department with the establishment or school's** a permanent, physical business address. The permanent, physical business address of a mobile salon is determined as follows:

(a) If the establishment is a mobile salon as defined in section 1201(o)(i) of the code, MCL 339.1201, the permanent, physical business address is the physical location from which the mobile salon is dispatched and to which it returns.

(b) If the establishment is a mobile salon as defined in section 1201(o)(ii) of the code, MCL 339.1201, the permanent, physical business address is the owner's premises.

(2) Pursuant to section 1204(4) of the code, MCL 339.1204, the sale or transfer of a ~~cosmetology an~~ establishment voids the ~~owner's cosmetology establishment~~ **establishment's** license. If a ~~cosmetology an~~ establishment changes ownership, the parties involved shall inform the department, in writing, within 30 calendar days ~~before~~ **of** the change-~~occurs~~.

(3) The change in the location of a ~~cosmetology an~~ establishment, except for a mobile salon, voids the ~~owner's cosmetology establishment~~ **establishment's** license. If a ~~cosmetology an~~ establishment, other than a mobile salon, changes location, the parties involved shall inform the department, in writing, within 30 calendar days ~~before~~ **of** the change-~~occurs~~. A change in the permanent, physical business address of a mobile salon must comply with the requirements of R 338.2180~~(3)~~**(2)**.

(4) Pursuant to section 1205(5) of the code, MCL 339.1205, the sale or other transfer of a school, a sale or transfer of its ownership, or a change in the location of a school, including a branch facility, voids the ~~owner's school of cosmetology~~ **cosmetology's** license. If a cosmetology school changes ownership or location, the parties involved shall inform the department, in writing, within 30 calendar days ~~before~~ **of making** the change.

(5) **Within 30 calendar days of a school closing, changing ownership, or changing its permanent, physical business address, the school shall provide the department with up-to-date information pertaining to each student's record. The up-to-date information must include all reports and timesheets that have not previously been reported to the department.**

~~(5)~~ **(6)** Within 30 calendar days ~~before of a school or~~ **an** establishment that is conducting an apprenticeship program ~~is closed~~ **closing**, ~~changes~~ **changing** ownership, or ~~changes~~ **changing** its permanent, physical business address, the ~~school or~~ establishment that is conducting an apprenticeship program shall provide the department with up-to-date information pertaining to each ~~student's or~~ apprentice's record. The up-to-date information must include all reports and timesheets that have not previously been reported to the department. **If an apprenticeship is to continue in an establishment's new permanent, physical business location, a new apprenticeship permit must be obtained.**

~~(6)~~ Branch facilities where training by a cosmetology school is conducted in a physical location apart from the main school premises, may be approved by the department if the branch facility meets all of the following criteria:

- ~~—(a)~~ Is not used for training students until the department has approved the use of the facility, based upon school need.
- ~~—(b)~~ Meets all requirements for Michigan cosmetology schools, except that it shall not include a full-service facility and shall not offer clinic services to the public.
- ~~—(c)~~ Provides for proper supervision of students.
- ~~—(d)~~ Is submitted for approval on an application provided by the department, to include, at a minimum, both of the following:
 - ~~—(i)~~ The complete address of the premises to be licensed.
 - ~~—(ii)~~ A current, detailed floor plan, not larger than 8 1/2 by 11 inches, of the proposed premises, showing arrangement of the classroom, placing of equipment, entrances, exits, and a statement of the purpose for which the premises will be used.

~~(7)~~ Beginning 60 calendar days after the promulgation of these rules, the department shall not accept an application for an initial branch facility license.

~~(8)~~**(7)** Beginning 1 year after the promulgation of these rules, **November 4, 2022**, the department shall not grant a renewal of a branch facility license.

~~(9)~~**(8)** Beginning 1 year after the promulgation of these rules, **November 4, 2022**, a branch facility license becomes void on the expiration date of the license and the facility shall not operate without obtaining a school of cosmetology license.

~~(10)~~**(9)** A school **that holds a branch facility license** whose licensure application involved the approval of more than 1 premises shall satisfy all of the following requirements:

- (a) Display a copy of the school license at each premises in a prominent place that is always visible to the public.
- (b) Display a copy of the license of each instructor who works for the school, whether or not the instructor works on the premises. The license must be displayed in a prominent place that is always visible to the public.
- (c) Provide the department with the address of each premises and identify the primary address at which to receive correspondence from the department.

PART 3. GENERAL TRAINING ADMINISTRATION

R 338.2131 Substitution of hours for credits earned in Michigan-licensed barber college; substantially similar criteria and determination; notice to department.

Rule 31. (1) Pursuant to section 1205(6) of the code, MCL 339.1205, a school of cosmetology may allow a student who is a Michigan-licensed barber to substitute up to 1,000 hours of substantially similar instruction ~~obtained from~~ **completed at** a Michigan-licensed barber college for hours of instruction required by the school of cosmetology.

(2) In determining if an hour of instruction ~~earned from~~ **completed at** a Michigan-licensed barber college is substantially similar and may be substituted for required instruction in the cosmetology student's curriculum, the school of cosmetology may consider all of the following:

- (a) The student's barber college transcript.
- (b) The student's scores on examinations.
- (c) The barber college's course descriptions.

(d) The student's performance on an examination conducted by the school of cosmetology that tests the student's theory and practical knowledge.

(3) The school of cosmetology shall determine the number of substantially similar instruction hours that will be substituted for required instruction in the student's cosmetology curriculum before the student begins ~~his or her~~ a cosmetology program.

(4) The school of cosmetology shall notify the department of the number of substantially similar hours it permitted the student to substitute in the student's cosmetology curriculum and the number of minimum practical applications it has verified for the student.

R 338.2132 **School owner's duty concerning equipment requirements; School equipment ~~requirement~~ requirements.**

Rule 32. **(1) The owner of a school shall ensure that the school complies with the requirements of subrule (2) of this rule.**

(2) A school shall have all of the following items:

(a) Seating facilities for patrons.

(b) An adequate number of chairs and adequate desk space to meet the needs of each student attending.

~~(c) If services are performed on the public, an adequate amount of equipment, supplies, and tools necessary for performing services on patrons in compliance with the requirements under part 4 of these rules.~~

~~(d)~~**(c)** A shampoo bowl installed in a classroom other than the main clinic classroom, unless a limited school of electrology.

~~(e)~~**(d)** ~~If services are not performed on the public, an~~ An adequate amount of equipment, supplies, and tools necessary for providing the theory hour and practical training offered on the premises.

(e) Theory classrooms shall be separate from any area where practical training or patron services are currently being performed.

R 338.2136 **Establishment or school owner's duty concerning records; School and apprenticeship ~~program~~ records requirements.**

Rule 36. (1) **The owner of an establishment or school shall ensure that the establishment or school complies with the requirements of subrules (2) and (3) of this rule.**

(2) A school or apprenticeship program shall keep complete records for each student or apprentice. The records must be maintained for not less than 7 years after the **student's or apprentice's** last date of attendance ~~of the student or apprentice.~~

~~(2)(3)~~ **The A school's or apprenticeship program's** records must be available to the department upon request and must include all of the following information:

(a) A summary of the **student's or apprentice's** attendance record.

(b) A summary of the **student's or apprentice's** practical hours and theory hours of training ~~that were completed by the student or apprentice,~~ including the subjects and number of practical applications, practical hours, and theory hours that were credited under R 338.2138~~(4) and (5)~~ **and (6).**

(c) The **student's or apprentice's** date of the enrollment and the last date of attendance.

(d) The **student's or apprentice's** final grades.

(e) A copy of the contract ~~that is required~~ under section 1205(2)(j) of the code, MCL 339.1205.

R 338.2138 **Establishment or school owner's duty concerning program requirements;** School and apprenticeship program requirements.

Rule 38. (1) **The owner of an establishment or school shall ensure that the establishment or school complies with the requirements of subrules (2) to (7) of this rule.**

(2) A school or apprenticeship program, in addition to meeting all the requirements of the code and these rules, shall satisfy all of the following:

(a) Submit a monthly report to the department that contains the daily record of attendance of each student or apprentice, **as required under section 1205a(1)(b) of the code, MCL 339.1205a.**

(b) Establish a system of grades for the advancement of training in each curriculum.

(c) Require a student or apprentice to pass at least 1 examination based on the curriculum in which the student or apprentice is enrolled.

(d) Certify, on a form provided by the department, that the student or apprentice has completed the training in the curriculum under part 4 of these rules in which ~~he or she~~ **the student or apprentice** is enrolled. A school or apprenticeship program that grants transfer credit under subrules ~~(4) and (5)~~ **and (6)** of this rule shall identify on the form the subjects and number of theory and practical hours that it granted transfer credit to a student or an apprentice.

(e) Notify the department in writing when a student's or apprentice's training is terminated prior to completion of the training program.

~~(2)(3)~~ A school licensed under the code shall provide instruction in not less than both of the following:

(a) The cosmetology curriculum ~~pursuant to Table 14~~ under **R 338.2161 or R 338.2169a, as applicable.**

(b) The cosmetology instructor ~~and cosmetology limited instructor~~ curriculum ~~pursuant to Table 16~~ under **R 338.2163c or R 338.2169b, as applicable.**

~~(3)~~(4) An establishment conducting an apprenticeship program shall **comply with both of the following:**

(a) ~~display~~ **Display** its apprenticeship program permit in a prominent place on the premises that is visible to the public at all times.

(b) **Ensure that all the apprentice's training is performed by an individual who holds the appropriate, active cosmetology or subfield license issued by this state.**

~~(4)~~(5) A school may transfer credit of hours a student had previously earned in a school of cosmetology toward the completion of a curriculum under part 4 of these rules, if the school determined that the previously earned hours are substantially similar to the hours required under the applicable curriculum. **If a school permits a student to substitute substantially similar hours earned in another school of cosmetology program, it shall notify the department of the number of substantially similar hours it has permitted the student to substitute and the number of minimum practical applications it has verified.** ~~has the discretion for determining whether to grant credit.~~

~~(5)~~(6) An establishment conducting an apprenticeship program may ~~transfer grant~~ credit of ~~for~~ hours an apprentice has earned in ~~an~~ **another** apprenticeship program toward the completion of a curriculum under part 4 of these rules, if the apprenticeship program determined that the previously earned hours are substantially similar to the hours required under the applicable curriculum. ~~An~~ **If an establishment conducting an apprenticeship program has the discretion for determining permits an apprentice to substitute substantially similar hours earned in another apprenticeship program, it shall notify the department of the number of substantially similar hours it has permitted the apprentice to substitute and the number of minimum practical applications it has verified.** ~~whether to grant credit.~~

~~(6)~~(7) A school shall not transfer credit of hours that were earned in an apprenticeship program **toward the completion of the student's school curriculum.** An apprenticeship program shall not transfer credit of hours that were earned as a student **toward the completion of an apprenticeship program.**

~~PART 4. SCHOOL TRAINING PROGRAMS~~

~~PART 5. APPRENTICE TRAINING PROGRAMS~~

PART 4. CURRICULUM REQUIREMENTS AND DISTANCE EDUCATION

R 338.2158 Distance education requirements. **Rescinded.**

~~Rule 58. (1) As used in this rule, "distance education" means education that uses technology to deliver instruction to a student who is physically separated from the instructor while permitting live interaction between the student and the instructor.~~

~~(2) Distance education is permitted in the delivery of theory hours of the curriculum if all of the following are satisfied:~~

~~(a) The instructor has been trained in the use of the modality and technology resources used in distance education.~~

~~(b) The technology and practices are in place to verify the identity of the distance education student who participates, while protecting student privacy.~~

- ~~—(c) The student has been provided with written information that clearly describes the distance education technology requirements to successfully complete the course.~~
- ~~—(3) A cosmetology school offering distance education pursuant to subrule (2) of this rule shall have a policy in place that it provides to each student and includes all of the following information:~~
- ~~—(a) A clear statement that all practical hours and practical applications in the curriculum must be done in person.~~
- ~~—(b) A clear statement that the student’s interaction with the instructor through distance education must be logged by the instructor.~~
- ~~—(c) A clear statement that an in-person performance evaluation must be completed after each 10% of the distance education component.~~
- ~~—(d) A clear statement that the student shall pass a comprehensive theory and practical examination before he or she graduates from the program.~~
- ~~—(e) A clear statement that the student’s transcript and other documents will identify the portion of the curriculum that was delivered through distance education.~~
- ~~—(4) Before a student enrolls in the cosmetology school, the student shall be provided with, and shall sign, a disclaimer that advises him or her that distance education may not be accepted for reciprocity or licensure in some states. The cosmetology school shall maintain a copy of the signed waiver in the student’s record.~~

**SUBPART 1. CURRICULUM REQUIREMENTS FOR INDIVIDUALS
ENROLLED BEFORE NOVEMBER 4, 2022**

R 338.2161 Cosmetology curriculum.

Rule 61. Students and apprentices who were enrolled in the study of cosmetology before 1 year after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 1

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection.	90	40	0	130	585 (Sanitation and patron protection must be included in all services.)
Laws and rules.					
Personal hygiene.					
Salon management.					
Mechanical and electrical equipment safety.					

<p>Facials.</p> <p>Skin analysis and care.</p> <p>Manipulation, massage, electricity.</p> <p>Removal of hair by the use of wax, tweezers, or depilatories.</p> <p>Makeup and eyebrow arch.</p>	35	80	0	115	40 (a minimum of 5 services in each category)
<p>Hairdressing.</p> <p>Arranging, cutting, dressing, curling, pressing, artificial hair finger waving, and natural hair cultivation.</p>	125	400	0	525	300 (a minimum of 20 services in each category)
<p>Scalp and hair treatments.</p>	10	15	0	25	30
<p>Temporary, semi-permanent, and permanent hair coloring.</p> <p>Bleaching and dimensional coloring.</p> <p>Color mixing.</p>	40	170	0	210	80 (a minimum of 8 services in each category)
<p>Chemical hair restructuring.</p> <p>Permanent waving.</p> <p>Straightening and relaxing.</p>	40	180	0	220	80 (a minimum of 15 services in each category)

Applied chemistry and occupational safety and health administration as related to skin, hair, nails, and scalp.	20	10	0	30	5
Applied anatomy, physiology, and histology of the human head, hands, nails, skin, and hair.	45	0	0	45	0
Manicuring and pedicuring.	15	55	0	70	35
Artificial nails.	5	15	0	20	5
Unassigned hours.	0	0	110	110	0
Totals	425	965	110	1500	1160

R 338.2162 Manicuring curriculum.

Rule 62. Students and apprentices who were enrolled in the study of manicuring before 1 year after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 2

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management. Mechanical and electrical equipment safety.	50	50	0	100	100 (Sanitation and patron protection must be included in all services.)

Anatomy and disorders.	25	0	0	25	0
Artistic principles.	10	0	0	10	0
Manicuring and pedicuring techniques.	20	50	0	70	40
Chemistry and occupational safety and health administration.	15	0	0	15	0
Artificial nails, extensions, and repairs.	25	105	0	130	50
Unassigned hours.	0	0	50	50	0
Totals	145	205	50	400	190

R 338.2163 Electrology curriculum.

Rule 63. Students and apprentices who were enrolled in the study of electrology before 1 year after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 3

Subject	Theory Hours	Practical Hours	Unassigned hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management.	40	10	0	50	160 (Sanitation and patron protection must be included in all services.)
Applied anatomy, physiology, and histology.	25	0	0	25	0

Applied electrolysis.	25	250	0	275	150
Mechanical and electrical equipment safety.					
Techniques.					
Unassigned hours.	0	0	50	50	0
Totals	90	260	50	400	310

R 338.2163a Esthetics curriculum.

Rule 63a. Students and apprentices who were enrolled in the study of esthetics before 4 year after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 4

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection.	25	25	0	50	90 (Sanitation and patron protection must be included in all services.)
Laws and rules.					
Personal hygiene.					
Salon management.					
Mechanical and electrical equipment safety.	25	25	0	50	15
Anatomy and disorders.	40	0	0	40	0
Artistic principles and makeup.	20	20	0	40	0
Facial and skin care	20	125	0	145	50

techniques.					
Chemistry and occupational safety and health administration.	15	0	0	15	0
Temporary removal of hair.	5	5	0	10	5
Unassigned hours.	0	0	50	50	0
Totals	150	200	50	400	160

R 338.2163b Natural hair cultivation curriculum.

Rule 63b. Students and apprentices who were enrolled in the study of natural hair cultivation before ~~1 year after the promulgation of this rule~~ **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 5

Subject	Theory Hours	Practical Hours	Unassigned Hours	Total Hours	Minimum Practical Applications
Sanitation and patron protection. Laws and rules. Personal hygiene. Salon management. Equipment safety.	25	25	0	50	50 (Sanitation and patron protection must be included in all services.)
Anatomy and disorders.	25	0	0	25	0
Artistic principles.	30	0	0	30	0
Braiding techniques and extensions.	40	215	0	255	40
Occupational safety	5	0	0	5	0

and health administration.					
Unassigned hours.	0	0	35	35	0
Totals	125	240	35	400	90

338.2163c Cosmetology instructor curriculum.

Rule 63c. Students who were enrolled in the study of cosmetology instructor before 4 year after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 6

Subject	Theory Hours	Practical Hours	Total Hours	Minimum practical applications
Orientation and review of the cosmetology curriculum.	25	50	75	20
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	70
Teaching. Assisting in the clinic and	0	75	75	15

theory classrooms.				
Practice teaching in the clinic and theory classrooms.	0	130	130	25
Totals	150	350	500	150

R 338.2166 Electrology instructor curriculum.

Rule 66. Students who were enrolled in the study of electrology instructor before ~~1 year~~ after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 7

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	40
Teaching.	0	55	55	15

Assisting in the clinic and theory classrooms.				
Practice teaching in the clinic and theory classrooms.				
Totals	135	165	300	85

R 338.2167 ~~Limited specialist manicuring~~ **Manicurist limited specialist** instructor curriculum.

Rule 67. Students who were enrolled in the study of **manicurist** limited specialist ~~manicuring~~ instructor before ~~1 year after the promulgation of this rule~~ **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 8

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	40
Teaching.	0	55	55	15

Assisting in the clinic and theory classrooms.				
Practice teaching in the clinic and theory classrooms.				
Totals	135	165	300	85

R 338.2168 ~~Limited specialist skin care~~ **Esthetician limited specialist** instructor curriculum.

Rule 68. Students who were enrolled in the study of **esthetician limited specialist skin care** instructor before ~~1 year after the promulgation of this rule~~ **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 9

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10
Introduction to teaching.	30	0	30	0
Course outlining and development. Lesson planning. Teaching techniques. Teaching aids. Developing, administering, and grading examinations.	80	85	165	20 (a minimum of 5 services in each category)
Laws and rules. Record keeping. School administration.	15	10	25	40

Teaching.	0	55	55	15
Assisting in the clinic and theory classrooms.				
Practice teaching in the clinic and theory classrooms.				
Totals	135	165	300	85

R 338.2169 ~~Limited specialist natural~~ **Natural hair culturist limited specialist** instructor curriculum.

Rule 69. Students who were enrolled in the study of **natural hair culturist limited specialist** ~~natural hair culturist~~ instructor before 1 year after the promulgation of this rule **November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 10

Subject	Theory Hours	Practical Hours	Total Hours	Minimum Practical Applications
Orientation and review of the curriculum.	10	15	25	10 (Sanitation and patron protection must be included in all services.)
Introduction to teaching.	30	0	30	0
Course outlining and development.	80	85	165	20 (a minimum of 5 services in each category)
Lesson planning.				
Teaching techniques.				
Teaching aids.				
Developing, administering, and grading examinations.				

Laws and rules.	15	10	25	40
Record keeping.				
School administration.				
Teaching.	0	55	55	15
Assisting in the clinic and theory classrooms.				
Practice teaching in the clinic and theory classrooms.				
Totals	135	165	300	85

**SUBPART 2. CURRICULUM REQUIREMENTS FOR INDIVIDUALS
ENROLLED ON OR AFTER NOVEMBER 4, 2022**

R 338.2169a Cosmetologist, esthetician, electrologist, manicurist, and natural hair culturist curriculum.

Rule 69a. (1) Students and apprentices who are enrolled in the study of cosmetology **beginning November 4, 2022**, ~~1 year or later after the promulgation of this rule~~ shall complete a curriculum pursuant to the following table:

TABLE 11

	Subject	Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to hair care services, manicuring services, skin care services, and natural hair cultivation that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene.	100	100	200	Health and safety must be included in all practical applications.

	(vii) Sanitation. (viii) Equipment, supply, and tool safety.				
(b)	Hair care services and natural hair cultivation that include all of the following topics: (i) Arranging. (ii) Artificial Hair. (iii) Bleaching. (iv) Cleansing. (v) Curling. (vi) Cutting. (vii) Coloring and bleaching. (viii) Dressing. (ix) Perming. (x) Relaxing. (xi) Singeing. (xii) Straightening. (xiii) Tinting. (xiv) Waving. (xv) Natural hair cultivation.	250	800	1050	425
(c)	Esthetic services that include all of the following topics: (i) Beautifying the skin using cosmetic preparations, chemicals, and liquids, including body wrapping. (ii) Cleansing the skin with hands and equipment. (iii) Temporary hair removal. (iv) Facials, makeup, and eyelashes.	50	75	125	25
(d)	Manicuring services that include all of the following: (i) Artificial nails, extensions, and repairs. (ii) Manicuring. (iii) Pedicuring.	50	75	125	25

Total Hours	450	1050	1500	475
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(2) Students and apprentices who are enrolled in the study of electrology ~~1 year or later after the promulgation of this rule~~ **beginning November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 12

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to electrology services that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.	50	50	100	Health and safety must be included in all practical applications.
(b)	Electrology services that include the topic of removal of the hair with electricity.	125	175	300	150
Total Hours		175	225	400	150

(3) Students and apprentices who are enrolled in the study of esthetics ~~1 year or later after the promulgation of this rule~~ **beginning November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 13

Subject		Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to esthetic services that	50	50	100	Health and safety must

	include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.				be included in all practical applications.
(b)	Esthetic services that include the following topics: (i) Beautifying the skin using cosmetic preparations, chemicals, and liquids, including body wrapping. (ii) Cleansing the skin with hands and equipment. (iii) Temporary hair removal. (iv) Facials, makeup, and eyelashes.	125	175	300	50
Total Hours		175	225	400	50

(4) Students and apprentices who are enrolled in the study of manicuring ~~1 year or later~~ after the promulgation of this rule **beginning November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 14

	Subject	Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to manicuring services that include all of the following topics: (i) Anatomy and	50	50	100	Health and safety must be included in all practical

	physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.				applications.
(b)	Manicuring services that include all of the following topics: (i) Artificial nails, extensions, and repairs. (ii) Manicuring. (iii) Pedicuring.	125	175	300	50
Total Hours		175	225	400	50

(5) Students and apprentices who are enrolled in the study of natural hair cultivation 4 year or later after the promulgation of this rule **beginning November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 15

	Subject	Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Health and safety related to natural hair cultivation that include all of the following topics: (i) Anatomy and physiology. (ii) Chemical safety. (iii) Diseases and disorders. (iv) Laws and rules. (v) Occupational safety. (vi) Personal hygiene. (vii) Sanitation. (viii) Equipment, supply, and tool safety.	50	50	100	Health and safety must be included in all practical applications.
(b)	Natural hair cultivation	125	175	300	40

services that include all of the following topics: (i) Braiding. (ii) Extending. (iii) Locking. (iv) Twisting. (v) Weaving. (vi) Wrapping.				
Total Hours	175	225	400	40

R 338.2169b Cosmetologist instructor ~~and cosmetologist limited instructor curriculum;~~
~~electrologist~~ **electrology** instructor **curriculum**, ~~limited electrologist instructor, and;~~
esthetician limited specialist instructor curriculum; manicurist limited specialist
instructor curriculum; **natural hair culturist limited specialist instructor curriculum.**

Rule 69b. (1) Students who are enrolled in the study of cosmetology instructor ~~or~~
~~cosmetology limited instructor 1 year or later after the promulgation of this rule~~
beginning November 4, 2022, shall complete a curriculum pursuant to the following table:

TABLE 16

	Subject	Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	Orientation and review of the cosmetology curriculum.	25	50	75	20
(b)	Introduction to teaching.	30	0	30	0
(c)	Teaching skills that include all of the following topics: (i) Course outlining and development. (ii) Lesson planning. (iii) Teaching techniques. (iv) Teaching aids. (v) Developing, administering, and grading examinations.	80	85	165	20
(d)	Administration skills that include all of the following	15	10	25	10

	topics: (i) Laws and rules. (ii) Record keeping. (iii) School administration.				
(e)	Teaching theory and practical hours that include all of the following topics: (i) Assisting in the clinic and theory classrooms. (ii) Practice teaching in the clinic and theory classrooms.	0	205	205	40
Total Hours		150	350	500	90

(2) Students who are enrolled in the study of electrology instructor, ~~electrology limited instructor, esthetics~~ **esthetician** limited specialist instructor, ~~manicuring~~ **manicurist** limited specialist instructor, or natural hair ~~cultivation~~ **culturist** limited specialist instructor 1 year or later after the promulgation of this rule **beginning November 4, 2022**, shall complete a curriculum pursuant to the following table:

TABLE 17

	Subject	Theory Hours	Practical Application Hours	Total Hours	Minimum Practical Applications
(a)	One of the following: (i) For an electrology instructor or electrology limited instructor , orientation and review of the electrology curriculum. (ii) For an esthetics esthetician limited specialist instructor, orientation and review of the esthetician curriculum. (iii) For a manicuring manicurist limited specialist instructor, orientation and review of the manicuring	10	15	25	10

	curriculum. (iv) For a natural hair cultivation culturist limited specialist instructor, orientation and review of the natural hair cultivation curriculum.				
(b)	Introduction to teaching.	30	0	30	0
(c)	Teaching skills that include all of the following topics: (i) Course outlining and development. (ii) Lesson planning. (iii) Teaching techniques. (iv) Teaching aids. (v) Developing, administering, and grading examinations.	80	85	165	20
(d)	Administration skills that include all of the following topics: (i) Laws and rules. (ii) Record keeping. (iii) School administration.	15	10	25	10
(e)	Teaching theory and practical hours that include all of the following topics: (i) Assisting in the clinic and theory classrooms. (ii) Practice teaching in the clinic and theory classrooms.	0	55	55	15
Total Hours		135	165	300	55

SUBPART 3. DISTANCE EDUCATION

R 338.2170 Distance education requirements.

Rule 70. (1) As used in this rule, “distance education” means education that uses technology to deliver instruction to a student who is physically separated from the instructor while permitting live interaction between the student and the instructor.

(2) Distance education is permitted in the delivery of theory hours of the curriculum if all of the following are satisfied:

(a) The instructor has been trained in the use of the modality and technology resources used in distance education.

(b) The technology and practices are in place to verify the identity of the distance education student who participates, while protecting student privacy.

(c) The student has been provided with written information that clearly describes the distance education technology requirements to successfully complete the course.

(3) A cosmetology school offering distance education pursuant to subrule (2) of this rule shall have a policy in place that it provides to each student and includes all of the following information:

(a) A clear statement that all practical hours and practical applications in the curriculum must be done in-person.

(b) A clear statement that the student’s interaction with the instructor through distance education must be logged by the instructor.

(c) A clear statement that an in-person performance evaluation must be completed after each 10% of the distance education component.

(d) A clear statement that the student shall pass a comprehensive theory and practical examination before the student graduates from the program.

(e) A clear statement that the student’s transcript and other documents will identify the portion of the curriculum that was delivered through distance education.

(4) Before a student enrolls in the cosmetology school, the student shall be provided with, and shall sign, a disclaimer that advises the student that distance education may not be accepted for reciprocity or licensure in some states. The cosmetology school shall maintain a copy of the signed waiver in the student’s record.

PART 5. HEALTH AND SAFETY

R 338.2171 Establishment, ~~and school,~~ **or establishment or school owner’s duties; requirements.**

Rule 71. (1) The owner of an establishment or schools shall ensure that the establishment or school complies with the requirements of subrules (2) and (3) of this rule.

~~(1)~~**(2) An establishment or school shall have and maintain all of the following:**

(a) An adequate supply of running hot and cold water necessary to complete all cleaning requirements and cosmetology services offered on the premises and necessary to comply with all local, state, and federal laws and regulations where services are provided.

(b) Adequate ventilation to prevent the concentration of chemical vapors and strong odors.

(c) Clean, ~~Covered~~ covered containers for holding used towels, capes, and neck strips.

(d) An adequate amount of cleaning, disinfecting, and sterilizing equipment and supplies necessary to meet the sanitation requirements of these rules.

(e) The manufacturer-labeled container of each disinfectant and sterilant that is used.

(f) Covered waste containers that are large enough to contain 1 day's accumulation of waste materials.

(g) If services are performed that involve fusing hair with an open flame, at least 1 multi-purpose fire extinguisher that is labeled by the manufacturer as suitable for use on class a, b, and c fires. The fire extinguisher must be located within 20 feet of where the open flame is used.

(h) At least 1 first aid kit that is labeled by the manufacturer as meeting the American National Standards Institute (ANSI) ~~and~~ **or the** International Safety Equipment Association (ISEA) American national standard - minimum requirements for workplace first aid kits and supplies. A first aid kit labeled by the manufacturer with a stamp indicating **"ANSI Z308.1" or "ANSI/ISEA Z308.1"** satisfies the requirement of this rule.

(i) If a chair, bed, table, headrest, or other station is used for providing services to patrons, it must be made of, or covered in, a non-porous material that can be disinfected.

(j) If providing hair care services, a shampoo bowl equipped with hot and cold running water.

(k) If providing pedicuring services, a pedicuring basin, tub, or footbath.

~~(2)~~**(3)** An establishment or school shall comply with all of the following minimum operational requirements:

(a) Maintain all areas in a safe and sanitary condition.

(b) Dispose of vaporous chemical waste materials pursuant to the manufacturer's recommendations.

(c) Disinfect waste containers at least once every 24 hours unless lined with a plastic bag that is disposed of each time the waste container is emptied.

(d) Dispose of all ~~single-use~~ **one-time-use** tools and supplies after use on a patron.

~~(e) Store clean nonelectrical tools and supplies in covered containers and separate from used tools and supplies.~~

~~(f)~~**(e)** Dispose ~~of~~ towels, capes, and neck strips used on a patron in a container for used items.

~~(g)~~**(f)** **Dispose of All all** waste materials including, but not limited to, hair clippings, paper, tissue, and ~~single-use~~ **one-time-use** tools ~~must be disposed of~~ in a covered waste container.

~~(3) An establishment providing hair care services shall have a shampoo bowl equipped with hot and cold running water.~~

~~(4) An establishment providing pedicuring services shall have a pedicuring basin.~~

R 338.2171a Disinfecting and sterilizing requirements; non-electrical and electrical tools; towels, capes, and neck strips; chairs, headrests, tables, and beds; ~~semi-solid substances~~; pedicuring basins, **tubs, or footbaths**; shampoo bowls, dusters, and brushes; **laundrying**

reusable towels, capes, and neck strips.

Rule 71a. (1) Unless otherwise provided under this rule, **a licensee, student, or apprentice shall disinfect** all non-electrical tools that are not disposed ~~must be disinfected of~~ after each use on a patron in the following sequential manner:

- (a) Remove all visible debris.
 - (b) Disinfect using either of the following methods:
 - (i) Full immersion in a wet-sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
 - (ii) Scrubbing all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
 - (c) Fully dry by air or with a clean towel **before being stored in a clean, covered place such as a fully enclosed drawer, cabinet, or container.**
- (2) Unless otherwise provided under this rule, **a licensee, student, or apprentice shall disinfect** all removeable parts of an electrical tool ~~must be disinfected~~ after each use on a patron in the following sequential manner:
- (a) Remove all visible debris.
 - (b) Disinfect using either of the following methods:
 - (i) Full immersion in a wet-sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.
 - (ii) Scrubbing all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
 - (c) Fully dry by air or with a clean towel before storing in a clean, **covered** place such as ~~a stand, hook, or on a clean towel covered by a clean towel,~~ **fully enclosed drawer, cabinet, or container.** Electrical items with a cord must not be stored in a container used for storing other clean items.
- (3) **A licensee, student, or apprentice shall sterilize any tool, except those that are one-time-use only,** ~~Tools and or other~~ supplies, that go beneath the top layer of the skin ~~must be sterilized~~ after each use in the following sequential manner:
- (a) Remove all visible debris.
 - (b) Sterilize using either of the following methods:
 - (i) Full immersion in a liquid sterilant for not less than 10 minutes or the period recommended by the manufacturer of the sterilant.
 - (ii) Sterilization in an autoclave pursuant to the autoclave manufacturer's instructions.
- (4) ~~Towels, capes, and neck strips must be machine washed with a detergent in water of not less than 160 degrees Fahrenheit for not less than 25 minutes during a wash and rinse cycle. The following exceptions and presumption apply to this subrule:~~
- ~~—(a) A detergent registered as a disinfectant with the EPA is not required.~~
 - ~~—(b) Machine washing is not required for plastic or nylon capes that are disinfected after each use by scrubbing all surfaces using a disinfectant wipe or a disinfect spray and clean towel.~~
 - ~~—(c) Towels, capes, and neck strips laundered through commercial laundry services are presumed to satisfy the requirements of this subrule.~~
- ~~(5) A licensee, student, or apprentice shall disinfect every~~ **Chairs, headrests, tables, beds chair, headrest, table, bed, and or other stations station** that ~~come~~ **comes** in direct contact with a patron's skin ~~must be disinfected~~ after use ~~on~~ **by** a patron in the following sequential manner:
- (a) Remove all visible debris.
 - (b) Scrub all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.
- ~~(6) All semi-solid substances, including, but not limited to, waxes, creams, lotions, oils, and powders must be stored in a covered container and removed by using a clean spatula~~

or single-use spatula that is disposed of after use on a patron unless it is dispensed from a shaker dispenser that prevents contact with the skin.

~~(7)~~**(5) A licensee, student, or apprentice shall disinfect** After each use, a **pedicuring basin, tub, or footbath** used after each use by a patron for pedicuring services ~~must be disinfected~~ in the following sequential manner, **unless subrule (6) of this rule applies:**

(a) Drain all water from the **pedicuring basin, tub, or footbath**.

(b) Remove all visible debris.

(c) ~~Circulate~~ **circulate** a disinfectant in the basin, **tub, or footbath** for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(d) Drain, rinse, and fully dry by air or with a clean towel.

(e) If the **pedicuring basin, tub, or footbath** contains a screen or other removable parts, the screen and removeable parts must be disinfected in the following sequential manner:

(i) Remove all visible debris.

(ii) Disinfect using either of the following methods:

(A) Full immersion in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(B) Scrub all surfaces with a disinfectant wipe or a disinfectant spray and clean towel.

(iii) Rinse with water and fully dry by air or with a clean towel.

~~(8)~~**(6) A pedicuring basin, tub, or footbath** that uses a liner that is disposed of after each use by a patron and that prevents water and skin from contacting the **surface of the pedicuring basin, tub, or footbath** is not required to be disinfected pursuant to ~~under~~ subrule ~~(7)~~**(5)** of this rule. However, a screen and any other removable parts that contact the water or skin must be disinfected pursuant to subrule ~~(7)~~**(5)** of this rule.

~~(9)~~**(7) A licensee, student, or apprentice shall disinfect a shampoo** ~~Shampoo bowls must be disinfected bowl~~ after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Scrub all surfaces with a disinfectant wipe or disinfectant spray and clean towel.

~~(10)~~**(8) A licensee, student, or apprentice shall disinfect neck** ~~Neck~~ and nail dusters and other brushes not included under subrule ~~(11)~~**(9)** of this rule ~~must be disinfected~~ after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Immerse in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

~~(11)~~**(9) Natural fiber, facial, acrylic, gel, nail-art, and makeup brushes** must be cleaned after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Fully immerse in a wet-sanitizer for at least 10 minutes or the period recommended by the manufacturer of the disinfectant.

(10) A licensee, student, or apprentice shall launder reusable towels, capes, and neck strips with a detergent in water of not less than 160 degrees Fahrenheit for not less than 25 minutes during a wash and rinse cycle. The following exceptions and presumption apply to this subrule:

(a) A detergent registered as a disinfectant with the EPA is not required.

(b) Machine washing is not required for plastic or nylon capes that are disinfected after each use by scrubbing all surfaces using a disinfectant wipe or a disinfect spray and clean towel.

(c) Towels, capes, and neck strips laundered through commercial laundry services are presumed to satisfy the requirements of this subrule.

R 338.2171b Patron protection.

Rule 71b. A ~~licensee, student, or apprentice,~~ **or licensee** shall satisfy all of the following:

- (a) Ensure ~~his or her~~ **that the individual's** attire and hands are kept sanitary.
- (b) Apply antiseptic to his or her hands before performing any cosmetology service.
- (c) Store soiled towels, capes, and neck strips fully enclosed covered containers.**
- ~~(e)~~**(d)** Clean tools, equipment, and supplies that are not disposed **of** after each use on a patron pursuant to R 338.2171a.
- ~~(d)~~**(e)** Store clean tools, **towels, capes, neck strips,** and supplies in a **clean, covered, fully enclosed** containers and separate from used tools, **towels, capes, neck strips,** and supplies.
- ~~(e)~~**(f)** Use clean tools, equipment, and supplies on patrons.
- ~~(f)~~**(g)** Dispose of all ~~single-use~~ **one-time-use** tools and supplies after each use on a patron.
- ~~(g)~~**(h)** **Remove any hair clippings from the floor once** ~~One~~ hair care services are completed on a patron, ~~remove any hair clippings from the floor.~~
- (i) Store all semi-solid substances, including, but not limited to, waxes, creams, lotions, oils, and powders in a fully enclosed, covered container.**
- (j) Remove all semi-solid substances by using a clean spatula or one-time-use spatula that is disposed of after use on a patron unless the substance is dispensed from a shaker dispenser that prevents contact with the skin.**

R 338.2171c Mobile salon services performed in a self-contained or other device that is moved, towed, or transported from 1 location to another.

Rule 71c. In addition to complying with all health and safety requirements in these rules, **the mobile salon and the owner of** a mobile salon that is a self-contained vehicle or other device that is moved, towed, or transported from 1 location to another shall comply with all of the following:

- (a) ~~It must~~ **The mobile salon shall** not be used as a residence or for any purpose other than providing cosmetology services.
- (b) All furniture must be anchored to the unit.
- ~~(e)~~ ~~It must have a functioning restroom, including a self-contained, flush toilet with holding tank.~~
- ~~(d)~~**(c)** ~~It must~~ **The mobile salon shall** have a water heater that provides fresh, hot water continuously and on demand **sufficient to satisfy the requirements of R 338.2171(2)(a).**
- ~~(e)~~**(d)** All chemicals must be stored in cabinets with secured safety latches in an area apart from customer service areas.
- ~~(f)~~**(e)** All services rendered within the mobile salon must comply with all local, state, and federal laws and regulations where the services are provided.

~~(g)~~**(f)** ~~It must~~ **The mobile salon shall** be parked in a safe, accessible, and legal parking spot when rendering services. A ramp or lift must be provided for access if providing services for a disabled individual.

~~(h)~~**(g)** No cosmetology services shall be performed while the mobile salon is moving.

R 338.2179e Blood spill procedures.

Rule 79e. (1) A licensee ~~or owner~~ shall comply with all of the following provisions if a blood spill occurs:

(a) Temporarily suspend the service being performed.

(b) Provide the bleeding person with adequate first aid supplies so that the bleeding person can stop the bleeding and cover the wound.

(c) Sterilize any equipment, tool, or implement that comes into contact with blood.

(d) Immediately discard porous materials, including abrasive ~~boards/blocks/buffers~~ **boards, blocks, or buffers**, orangewood sticks, and pumice stones, if involved in a blood spill.

(e) Immediately clean ~~floors and other durable~~ **all** surfaces soiled with blood **and dispose of all blood soiled waste in compliance with the current standards established by the Michigan Occupational Safety and Health Administration.** ~~with a sodium hypochlorite solution such as household bleach or other approved hospital grade disinfectant.~~

~~(f) Dispose of blood spill waste in clearly labeled containers or bags.~~

(2) A licensee, **student, or apprentice** shall not perform services until all bleeding has ceased and the wound has been covered. A licensee, **student, or apprentice** shall keep an open sore, cut, burn, or other wound covered when services are being performed.

R 338.2179g ~~Licensee, Student~~ **student**, apprentice, and licensee; prohibitions.

Rule 79g. (1) A **licensee, student, or apprentice**, ~~or licensee~~ shall not do any of the following, and a licensee shall not allow another to do any of the following:

(a) Use or possess methyl methacrylate monomers.

(b) Abrade, roughen, buff, or file the nail plate to the extent that the nail bed is exposed or that deeply filed trenches or ridges in the nail plate are created.

(c) Use a nail white pencil.

(d) Use lump alum or a styptic pencil to stop bleeding.

(e) Carry any equipment, tools, implements, or supplies in the pocket of a uniform **or other garment.**

(f) Use the same powder puffs, makeup brushes, or cosmetic pencils on more than 1 patron.

(g) Use an ultraviolet ray electrical sanitizer to disinfect or sterilize items. ~~However, items that are disinfected or sterilized pursuant to R 338.2171a may be stored in an ultraviolet ray electrical sanitizer.~~

(h) Use or possess a blade in the practice of manicuring or pedicuring.

(i) Perform services that are limited to the scope of practice of a licensed health profession regulated under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, unless ~~he or she is~~ performing a service that **is has been delegated to him or her to the individual by a licensed health professional** under section 16215 of the public health code, 1978 PA 368, MCL 333.16215.

(j) Fail to provide proof of identity with a picture I.D. or alternative acceptable to the department at the time of an inspection, if requested by a department representative performing an inspection of the licensed establishment.

(k) Allow a member of the public to drink from a water source used for mixing chemicals.

(2) An esthetician shall not use ~~razors~~, scissors, ~~or~~ clippers, **or a blade** on the scalp of a patron.

~~(3) A natural hair cultivation student, apprentice, or practitioner shall not use reactive chemicals or perform any service included in the practice of cosmetology as defined in section 1201 of the code, MCL 339.1201.~~

PART 6. OPERATION OF MOBILE SALON

~~R 338.2180 Mobile salon premises; license display; permanent, physical business address; contact information; notice of sale or transfer; change of name or contact information. **Rescinded.**~~

~~Rule 80. (1) The premises of a mobile salon, as defined in section 1201(s) of the code, MCL 339.1201, shall comply with all requirements established under the code and these rules.~~

~~(2) A mobile salon shall display the establishment license and the license of each cosmetologist who works in the mobile salon in compliance with section 1204(2)(b) of the code, MCL 339.1204.~~

~~(3) The mobile salon owner shall provide and keep current with the department all of the following contact information:~~

- ~~—(a) The permanent, physical business address of the mobile salon.~~
- ~~—(b) The permanent physical address of the mobile salon owner.~~
- ~~—(c) The telephone number of the mobile salon.~~
- ~~—(d) The telephone number of the mobile salon owner.~~
- ~~—(e) The electronic mail address of the mobile salon owner.~~

~~(4) As provided in R 338.2127(2), the sale or transfer of a mobile salon voids the cosmetology establishment license. The mobile salon owner shall notify the department within 15 calendar days before there is a change to its permanent, physical business address.~~

~~(5) A mobile salon owner shall report a change in his or her name or any of the contact information required by subrule (2) of this rule within 15 calendar days before the change to facilitate the department's ability to locate, investigate, and inspect the mobile salon to ensure compliance with the requirements of the code and these rules, pursuant to section 1203(2)(c) of the code, MCL 339.1203.~~

R 338.2181 Mobile salon premises; license display; permanent, physical business address; contact information; notice of sale or transfer; change of name or contact information.

Rule 81. (1) The mobile salon and its owner shall comply with both of the following:

(a) Display the establishment license and the license of each individual cosmetologist who works in the mobile salon providing a cosmetology or subfield license service, in compliance with section 1204(2)(b) of the code, MCL 339.1204.

(b) Provide and keep current with the department all of the following contact information:

(i) The permanent, physical business address of the mobile salon.

(ii) The permanent physical address of the mobile salon owner.

(iii) The telephone number of the mobile salon.

(iv) The telephone number of the mobile salon owner.

(v) The electronic mail address of the mobile salon owner.

(2) As provided in R 338.2127(2), the sale or transfer of a mobile salon voids the establishment's license. The mobile salon owner shall notify the department within 15 calendar days of a change to its permanent, physical business address, as described in R 338.2127(1).

(3) A mobile salon owner shall report a change in the owner's name or any of the contact information required by subrule (2) of this rule within 15 calendar days of the change to facilitate the department's ability to locate, investigate, and inspect the mobile salon to ensure compliance with the requirements of the code and these rules, pursuant to section 1203(2)(c) of the code, MCL 339.1203.

R 338.2187 Mobile salons; duty to provide itinerary; duty to provide access to the premises.

Rule 87. (4) The mobile salon and its owner shall comply with both of the following:

(4)(a) Within 10 calendar days of receiving a notice of a request for disclosure of the mobile salon's itinerary issued by the department, the mobile salon owner shall provide the department with a written, detailed itinerary indicating the dates, times, and locations where the mobile salon will be located and providing cosmetology services for the upcoming 30 calendar days. The notice of a request for disclosure of the mobile salon's itinerary from the department is effective 3 business days after it is mailed by first-class mail to the permanent, physical business address of the mobile salon.

~~(2) The notice of a request for disclosure of the mobile salon's itinerary from the department is effective 3 business days after it is mailed by first-class mail to the permanent, physical business address of the mobile salon.~~

(3)(b) The mobile salon owner shall ensure that the department has permission and access to enter the premises of a mobile salon, including a location defined in section 1201(o)(ii) of the code, MCL 339.1201, at any time that a cosmetology service is being provided on the premises.

R 338.2188 Mobile salon; records.

Rule 88. The mobile salon and its owner shall ~~The mobile salon owner shall~~ maintain the following records at the permanent, physical business address of the mobile salon:

(a) Seven years of appointment records, or if the mobile salon has been in operation less than 7 years, all appointment records.

(b) A copy of the license of each employee or independent contractor performing a cosmetology service on the premises of the mobile salon.

(c) If the mobile salon is a self-contained vehicle, a copy of the vehicle registration and proof of insurance.

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