

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

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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 - 338.2195

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

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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 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 the statutory changes that went into effect this year, such as 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.

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, 339.1203, 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 guideline, 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 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 March 8, 2017. MCL 339.1203 was amended effective April 26, 2020, to require the promulgation of rules for the operation of mobile salons and the performance of cosmetology services in or at the premises of mobile salons. MCL 339.1205 was amended effective May 4, 2020, to require 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.

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?

The rule pertaining to branch facility licensure will be amended to sunset the license because it is not authorized by statute.

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