

EXPAND DEFINITION OF SKIN CARE SERVICES

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House Bills 5683 and 5684 as introduced

Sponsor: Rep. Tullio Liberati, Jr.

Committee: Regulatory Reform

Complete to 5-14-24

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bills 5683 and 5684 would amend the Public Health Code and the Occupational Code to expand the services that can be performed by licensed estheticians and cosmetologists.

House Bill 5684 would amend the Occupational Code to expand the skin care services that can be performed by estheticians and cosmetologists.

Currently, the act allows these professionals to perform the following as skin care services:

- Beautifying the skin by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, including body wrapping.
- Cleansing or stimulating the skin by the use of the hands, devices, apparatus, or appliances, with or without the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.
- The temporary removal of hair by the use of depilatories, waxes, razors, scissors, clippers, or tweezers.
- Giving facials, applying removable makeup, applying eyelashes, or any other application of a preparation or beauty enhancement, but not including applying permanent makeup or the use of tanning equipment.

The bill would add thread to the allowable means for the temporary removal of hair, would provide that the ban on the use of tanning equipment does not apply to spray tans, and would add all of the following to the list of skin care services that can be offered:

- Exfoliating only the stratum corneum cells, including the use of a product, chemical, mechanical device, electrical service, or *class 1 medical device* to exfoliate the stratum corneum. (The stratum corneum is the outermost layer of the epidermis, which is the outer layer of skin.)
- Dermaplaning or microdermabrasion.
- *Nonmedical grade* hydrodermabrasion.
- Applying a nonmedical grade chemical peel.
- *High-frequency treatment*, if the esthetician or cosmetologist has documented training approved by the Department of Licensing and Regulatory Affairs (LARA) to perform the treatment.
- Eyebrow services, including lamination and, if performed with a product that does not last for more than six weeks, eyebrow tinting.
- Eyelash services, including extensions and tinting.
- Facial cupping.

Class 1 medical device would mean a low-risk device that requires minimal regulatory oversight and is used for basic aesthetic procedures, such as LED light therapy and noninvasive skin care tools.

High-frequency treatment would mean a skin care service that uses electrical stimulation to treat various conditions, including acne, wrinkles, and skin renewal.

Nonmedical grade would mean a product or material that is not certified for medical use only.

Under the bill, estheticians and cosmetologists would be prohibited from using a device that produces or amplifies electromagnetic radiation at wavelengths of 180 nanometers or more. However, the bill provides that none of its provisions would prohibit an esthetician or cosmetologist from performing an act, task, or function related to a skin care service under the delegation of a physician under section 16215 of the Public Health Code.¹

Finally, the bill would require estheticians and cosmetologists to comply with Part 138 of the Public Health Code² regarding the disposal of medical waste.

MCL 339.1201 et seq.

House Bill 5683 would amend the Public Health Code to provide that Parts 170³ and 175⁴ of the code do not prohibit a licensed esthetician or cosmetologist from performing acts described in section 1210 of the Occupational Code (as amended by House Bill 5684) that are considered the practice of medicine or osteopathic medicine and surgery, as long as those activities are within the individual's scope of practice and the individual does not use the words, titles, or letters protected under Part 170 or 175, as applicable.

Proposed MCL 333.17011b and 333.17511b

Neither bill would take effect unless both were enacted.

FISCAL IMPACT:

The bills would not have a fiscal impact any units of state or local government.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations and does not constitute an official statement of legislative intent.

¹ <https://www.legislature.mi.gov/Laws/MCL?objectName=MCL-333-16215>

² <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-368-1978-12-138>

³ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-368-1978-15-170>

⁴ <https://www.legislature.mi.gov/Laws/MCL?objectName=mcl-368-1978-15-175>