

HOUSE BILL No. 6061

May 23, 2018, Introduced by Rep. VanSingel and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1101, 1108, 1110, and 1113 (MCL 339.1101, 339.1108, 339.1110, and 339.1113), sections 1101 and 1113 as amended by 1984 PA 25, section 1108 as amended by 2014 PA 136, and section 1110 as amended by 2014 PA 137, and by adding sections 1107 and 1111a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1101. As used in this article:

2 **(A) "APPRENTICE" MEANS AN INDIVIDUAL WHO IS LEARNING THE**
3 **THEORY AND PRACTICE OF SERVING AS A BARBER IN A BARBERSHOP.**

4 **(B) ~~(a)~~"Barber" means ~~a person~~AN INDIVIDUAL** who shaves or

1 trims the beard of ~~a person~~; **AN INDIVIDUAL**; cuts, trims, shampoos,
2 relaxes, curls, permanently waves, dresses, tints, bleaches,
3 colors, arranges, or styles the hair of ~~a person~~; **AN INDIVIDUAL**;
4 massages the face and head of ~~a person~~; **AN INDIVIDUAL**; or ~~renders~~
5 **PERFORMS** personal services of a similar nature **THAT ARE** customarily
6 done by a barber.

7 (C) ~~(b)~~ "Barber college" means an establishment ~~which renders~~
8 **THAT PROVIDES** for compensation the services of a barber, but ~~having~~
9 ~~for~~ **HAS AS** its primary purpose the teaching for compensation of the
10 theory and practice of serving as a barber.

11 (D) ~~(c)~~ "Barbershop" means a place, establishment, or premises
12 or part of a premises where ~~a person~~ **AT LEAST 1 INDIVIDUAL** performs
13 as a barber.

14 (E) ~~(d)~~ "Demonstration" means a show, seminar, or contest in
15 which barber services are ~~rendered~~ **PERFORMED** for the purpose of
16 educating barbers.

17 (F) ~~(e)~~ "Demonstrator" means ~~a person~~ **AN INDIVIDUAL** who
18 performs a service of a barber at a demonstration.

19 (G) ~~(f)~~ "Immediate family" means ~~persons~~ **INDIVIDUALS** residing
20 together who are related by birth, marriage, or adoption.

21 (H) ~~(g)~~ "Instructor" means ~~a person~~ **AN INDIVIDUAL** who
22 instructs another in the theory and practice of serving as a barber
23 **IN A BARBER COLLEGE.**

24 (I) ~~(h)~~ "Student" means ~~a person~~ **AN INDIVIDUAL WHO IS** learning
25 the theory and practice of serving as a barber **IN A BARBER COLLEGE.**

26 (J) ~~(i)~~ "Student instructor" means ~~a person~~ **AN INDIVIDUAL WHO**
27 **IS** learning the theory and practice of teaching barbering.

1 SEC. 1107. (1) THE DEPARTMENT SHALL ISSUE AN APPRENTICE
2 STUDENT LICENSE TO AN INDIVIDUAL WHO MEETS ALL OF THE FOLLOWING
3 REQUIREMENTS:

4 (A) HAS COMPLETED THE TENTH GRADE OF SCHOOL OR HAS AN
5 EQUIVALENT EDUCATION AS DETERMINED BY THE DEPARTMENT.

6 (B) IS OF GOOD MORAL CHARACTER.

7 (2) AN APPRENTICE WHO HOLDS A LICENSE UNDER THIS SECTION MAY
8 PERFORM BARBER SERVICES TO THE PUBLIC UNDER THE SUPERVISION OF A
9 LICENSED BARBER.

10 (3) THE TERM OF AN APPRENTICE LICENSE IS 2 YEARS. AN
11 APPRENTICE MAY RENEW HIS OR HER LICENSE FOR 1 ADDITIONAL YEAR. AN
12 EXTENSION OF AN APPRENTICE LICENSE BEYOND THAT PROVIDED FOR IN THIS
13 SUBSECTION REQUIRES APPROVAL BY THE BOARD.

14 (4) WITH THE DEPARTMENT'S APPROVAL, AN INDIVIDUAL WHO HAS
15 PREVIOUSLY HELD AN APPRENTICE STUDENT LICENSE MAY BE GRANTED A NEW
16 APPRENTICE LICENSE OR MAY TRANSFER AN APPRENTICE LICENSE TO ANOTHER
17 BARBERSHOP.

18 Sec. 1108. (1) The department shall issue a license to
19 practice as a barber to an individual who ~~fulfills~~ **MEETS** all of the
20 following requirements:

21 (a) Is ~~not less than~~ **AT LEAST** 17 years of age.

22 (b) Is of good moral character.

23 (c) Demonstrates **1 OF THE FOLLOWING**:

24 (i) **SUBJECT TO SUBSECTIONS (3) AND (4)**, satisfactory
25 completion of ~~not less than a 1,800-hour course of study~~ **AN**
26 **EDUCATIONAL PROGRAM** at a licensed barber college **THAT PROVIDES AT**
27 **LEAST 1,500 HOURS OF INSTRUCTION THAT INCLUDES CLASSROOM STUDY,**

1 **DEMONSTRATIONS, AND PRACTICAL BARBER TRAINING.**

2 **(ii) HAS SERVED AS AN APPRENTICE FOR AT LEAST 2 YEARS IN A**
3 **LICENSED BARBERSHOP. THE TRAINING MUST INCLUDE THE MINIMUM NUMBER**
4 **OF PRACTICAL APPLICATIONS REQUIRED BY RULE.**

5 (d) Passes an examination approved by the board and the
6 department.

7 (e) Has completed the tenth grade of school or has an
8 equivalent education as determined by the department.

9 (2) The department shall issue a license as a barber to an
10 individual who has held a license as a barber in another state,
11 jurisdiction, or country for 1 out of the 3 years immediately
12 preceding the date of application if the requirements for licensure
13 in the other state, jurisdiction, or country are substantially
14 equivalent to the requirements of subsection (1), as determined by
15 the department. However, the department may deny or limit a license
16 if the applicant has been disciplined or disciplinary action is
17 pending in another state, jurisdiction, or country.

18 (3) For the purposes of ~~fulfilling the requirement of~~ **MEETING**
19 ~~subsection (1)(e),~~ **(1) (C) (i)**, an individual whose instruction as a
20 barber was received in another state, jurisdiction, or country may
21 substitute experience as a barber or barber apprentice for
22 instruction in the ratio of 3 months of experience for 100 hours of
23 instruction. However, if his or her experience as a barber or
24 barber apprentice was acquired in a country that the department
25 considers a country from which records are not generally available,
26 both of the following apply to the substitution of experience for
27 instruction under this subsection:

1 (a) He or she may not substitute experience for instruction
2 under this subsection unless he or she provides a signed and
3 notarized attestation detailing his or her experience, including
4 his or her place of employment or apprenticeship, to the
5 department.

6 (b) He or she may not substitute experience for any of the
7 hours of instruction concerning safety and sanitation, or
8 concerning laws, rules, and regulations, required by the department
9 by rules promulgated under this article.

10 **(4) FOR THE PURPOSES OF MEETING SUBSECTION (1) (C) (i), AN**
11 **INDIVIDUAL WHO HAS RECEIVED TRAINING AS A BARBER APPRENTICE MAY**
12 **SUBSTITUTE TRAINING AS A BARBER APPRENTICE FOR PRACTICAL BARBER**
13 **TRAINING IN A BARBER COLLEGE PROGRAM AT A RATIO OF 1 HOUR OF**
14 **APPRENTICESHIP TRAINING FOR 1 HOUR OF PRACTICAL BARBER TRAINING.**
15 **ALL OF THE FOLLOWING APPLY TO THE SUBSTITUTION OF APPRENTICESHIP**
16 **TRAINING FOR PRACTICAL BARBER TRAINING IN A BARBER COLLEGE PROGRAM**
17 **UNDER THIS SUBSECTION:**

18 **(A) HE OR SHE MAY NOT SUBSTITUTE MORE THAN 500 HOURS OF**
19 **APPRENTICESHIP TRAINING FOR HOURS OF PRACTICAL BARBER TRAINING.**

20 **(B) HE OR SHE MAY ONLY SUBSTITUTE HOURS OF APPRENTICESHIP**
21 **TRAINING PERFORMED UNDER THE SUPERVISION OF A LICENSED BARBER FOR**
22 **HOURS OF PRACTICAL BARBER TRAINING.**

23 **(C) HE OR SHE MAY NOT SUBSTITUTE HOURS OF APPRENTICESHIP**
24 **TRAINING FOR PRACTICAL BARBER TRAINING UNLESS HE OR SHE PROVIDES A**
25 **SIGNED AND NOTARIZED ATTESTATION DETAILING HIS OR HER TRAINING,**
26 **INCLUDING HIS OR HER PLACE OF APPRENTICESHIP, TO THE BARBER COLLEGE**
27 **AND DEPARTMENT.**

1 (D) HE OR SHE MAY NOT SUBSTITUTE APPRENTICESHIP TRAINING FOR
2 ANY OF THE HOURS OF INSTRUCTION CONCERNING SAFETY AND SANITATION,
3 OR CONCERNING LAWS, RULES, AND REGULATIONS, REQUIRED BY THE
4 DEPARTMENT BY RULES PROMULGATED UNDER THIS ARTICLE.

5 (E) THE BARBERSHOP CONDUCTING THE APPRENTICESHIP PROGRAM IS
6 LOCATED IN THIS STATE.

7 Sec. 1110. (1) The department shall license a barber college
8 that meets all of the following requirements:

9 (a) Through its owners or managers, has applied to the
10 department for a license.

11 (b) Provides an educational program requiring completion of
12 225 hours of classroom study, demonstrations, and recitations and
13 ~~1,575~~ 1,275 hours of practical barber training.

14 (c) Meets the sanitation standards required of barbershops as
15 set forth in rules promulgated by the board and determined by
16 inspection by the department.

17 (d) Files and maintains a corporate surety or cash bond of
18 \$10,000.00 conditioned on the faithful performance and satisfaction
19 of the contractual rights of students enrolled in the barber
20 college.

21 (e) Employs or contracts with not fewer than 2 full-time,
22 licensed instructors and ensures that both of the following are
23 met:

24 (i) At any time classroom study or theory training is given to
25 any number of students, at least 1 instructor is present.

26 (ii) If practical training occurs, there is at least 1
27 instructor present for every 30 students at all times.

1 (f) Is completely partitioned from any other place of business
2 or dwelling. A person shall not conduct any other business from a
3 barber college than the rendering of barber services and the
4 teaching of barbering, although a barber college may sell at retail
5 to patrons those preparations used on patrons who are receiving
6 barbering services from students.

7 (g) Provides reasonable classroom facilities and other
8 equipment for the proper instruction of students described in this
9 subdivision and rules promulgated by the board, including 1
10 stationary wash basin with hot and cold running water and a
11 connected drain for every 2 barber chairs. A barber college shall
12 arrange its enrollment and course scheduling so that students are
13 not required to share the use of a training station during any
14 practical training period.

15 (2) Except as provided in this subsection, a student
16 instructor may not instruct without a supervising instructor
17 present in the room. In case of emergency, a student instructor may
18 instruct up to 30 students, but the barber college shall provide
19 notice of the emergency to the department in writing and ensure
20 that an instructor is on the premises at all times. Use of a
21 student instructor as a substitute instructor under this subsection
22 shall not continue for more than 7 consecutive days without written
23 approval of the department certifying the emergency circumstances.

24 (3) The license of a barber college is automatically revoked
25 if there is a transfer of ownership or change of location of a
26 barber college. The department shall not grant a new license to new
27 owners or for a new location unless the requirements of subsection

1 (1) are met.

2 (4) The classroom courses of a barber college shall include at
3 least all of the following: scientific fundamentals for barbering;
4 hygiene; bacteriology; histology of hair, skin, and nails;
5 structure of the head, face, and neck, including muscles and
6 nerves; elementary chemistry relating to sterilization and
7 antiseptics; diseases of the skin, hair, glands, and nails;
8 massaging and manipulating the head, face, and neck; haircutting
9 and shaving; cosmetic therapy; arranging, styling, dressing,
10 coloring, bleaching, curling, permanent waving, and tinting of the
11 hair; elements of business training; and barber laws and rules of
12 the state.

13 (5) The department by rule shall prescribe the number of hours
14 of instruction a barber college is required to provide for each
15 subject set forth in subsection (4). Each barber college shall
16 provide a written copy of the rules to each student at the
17 beginning of his or her instruction.

18 (6) A barber college shall display the license of the barber
19 college and all instructors, student instructors, and students in a
20 prominent place visible to the public at all times. An individual's
21 license may be displayed at the individual's work station.

22 **SEC. 1111A. (1) A BARBERSHOP THAT CHARGES A FEE FOR TEACHING**
23 **BARBER SERVICES IS CONSIDERED A BARBER COLLEGE AND IS REQUIRED TO**
24 **COMPLY WITH SECTION 1110. A BARBERSHOP THAT CONDUCTS AN**
25 **APPRENTICESHIP PROGRAM WITHOUT CHARGING A FEE FOR TEACHING BARBER**
26 **SERVICES MUST COMPLY WITH SUBSECTION (2).**

27 **(2) A BARBERSHOP THAT CONDUCTS AN APPRENTICESHIP PROGRAM MUST**

1 COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS:

2 (A) REQUIRE THAT AN APPRENTICE IS IN ATTENDANCE NOT MORE THAN
3 7 HOURS PER DAY OR NOT MORE THAN 40 HOURS PER WEEK.

4 (B) KEEP A DAILY RECORD OF THE ATTENDANCE OF EACH APPRENTICE,
5 AND SEND A COPY OF THOSE RECORDS TO THE DEPARTMENT MONTHLY;
6 ESTABLISH GRADES; AND REQUIRE AN APPRENTICE TO PASS AN EXAMINATION
7 BEFORE CERTIFYING TO THE DEPARTMENT THAT HE OR SHE HAS COMPLETED
8 TRAINING.

9 (C) PERMIT AN APPRENTICE TO PRACTICE ON THE PUBLIC ONLY AFTER
10 COMPLETING AT LEAST 350 HOURS OF INSTRUCTION.

11 (3) A BARBERSHOP THAT HAS SUCCESSFULLY TRAINED 1
12 APPRENTICE IS ELIGIBLE TO TRAIN ADDITIONAL APPRENTICES, EXCEPT THAT
13 A BARBERSHOP SHALL NOT HAVE MORE THAN 2 APPRENTICES AT THE SAME
14 TIME.

15 (4) AT THE TIME IT ACCEPTS AN INDIVIDUAL FOR APPRENTICESHIP
16 TRAINING, A BARBERSHOP SHALL FILE AN APPLICATION WITH THE
17 DEPARTMENT AND SHALL OBTAIN PROOF THE INDIVIDUAL MEETS THE
18 EDUCATIONAL REQUIREMENT DESCRIBED IN SECTION 1107(1) (A). THE
19 BARBERSHOP MUST RETAIN A COPY OF THE APPLICATION AND THE PROOF OF
20 EDUCATION UNTIL THE APPRENTICE APPLIES FOR EXAMINATION TO OBTAIN A
21 LICENSE.

22 Sec. 1113. (1) Following the initial inspection required to
23 open a barbershop or barber college, **AND EXCEPT AS OTHERWISE**
24 **PROVIDED IN THIS SUBSECTION, THE DEPARTMENT SHALL INSPECT** each
25 ~~barbershop shall be inspected at least once a year, and~~ **ANNUALLY.**
26 **THE DEPARTMENT SHALL INSPECT** each barber college ~~shall be inspected~~
27 ~~twice a year.~~ **AND BARBERSHOP THAT IS TRAINING APPRENTICES AT LEAST**

1 **TWICE ANNUALLY.**

2 (2) A board member or representative of the department ~~shall~~
3 ~~be~~**IS** allowed to enter the premises during regular business hours
4 for the purpose of inspecting to determine that the barbershop or
5 barber college meets the requirements of this article and rules
6 promulgated under this article.

7 Enacting section 1. This amendatory act takes effect 90 days
8 after the date it is enacted into law.