

OCCUPATIONAL CODE (EXCERPT)
Act 299 of 1980

ARTICLE 11

339.1101 Definitions.

Sec. 1101. As used in this article:

(a) "Barber" means a person who shaves or trims the beard of a person; cuts, trims, shampoos, relaxes, curls, permanently waves, dresses, tints, bleaches, colors, arranges, or styles the hair of a person; massages the face and head of a person; or renders personal services of a similar nature customarily done by a barber.

(b) "Barber college" means an establishment which renders for compensation the services of a barber, but having for its primary purpose the teaching for compensation of the theory and practice of serving as a barber.

(c) "Barbershop" means a place, establishment, or premises or part of a premises where a person performs as a barber.

(d) "Demonstration" means a show, seminar, or contest in which barber services are rendered for the purpose of educating barbers.

(e) "Demonstrator" means a person who performs a service of a barber at a demonstration.

(f) "Immediate family" means persons residing together who are related by birth, marriage, or adoption.

(g) "Instructor" means a person who instructs another in the theory and practice of serving as a barber.

(h) "Student" means a person learning the theory and practice of serving as a barber.

(i) "Student instructor" means a person learning the theory and practice of teaching barbering.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Compiler's note: For transfer of powers and duties of certain occupational functions, boards, and commissions from the Department of Licensing and Regulation to the Department of Commerce, see E.R.O. No. 1991-9, compiled at MCL 338.3501 of the Michigan Compiled Laws.

Popular name: Act 299

339.1102 Board of barber examiners; creation; qualifications of members.

Sec. 1102. The board of barber examiners is created. Six members of the board shall have practiced as a barber for 3 years before appointment. One of those members shall be a journeyman barber.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980.

Popular name: Act 299

339.1103 Repealed. 1982, Act 360, Eff. Mar. 30, 1983.

Compiler's note: The repealed section pertained to certificate of health.

Popular name: Act 299

339.1104 Rendering services of barber without license prohibited; exceptions.

Sec. 1104. (1) A person shall not render the services of a barber, with or without compensation, on any person other than his or her immediate family unless the person is licensed under this article. This section shall not apply to a person holding a demonstration permit issued under section 1117.

(2) A person shall not use the title "barber" in any way, including, but not limited to, in the name of an establishment unless the person is licensed under this article.

(3) Nothing in this article shall be construed to prohibit a person licensed under article 12 from rendering the services for which he or she is licensed.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Popular name: Act 299

339.1105 Student license; duration; requirements; supervised barber services without compensation; renewal or extension of license; new license; transfer of license.

Sec. 1105. (1) The department shall issue a student license valid for 2 years to an individual who fulfills all of the following requirements:

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

(b) Is of good moral character.

(2) Upon being licensed by the department, a student may render barber services to the public under the supervision of an instructor. A student shall not receive compensation for performing barber services.

(3) A student may renew his or her license for 1 additional year. An extension of a student license beyond that provided for in this subsection requires approval by the board.

(4) Upon approval of the department, an individual who has previously held a student license may be granted a new student license or may transfer a student license to another barber college.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1106 Student instructor license; requirements; rendering barber services to public prohibited; exceptions; renewal of license.

Sec. 1106. (1) The department shall issue a license as a student instructor to an individual who fulfills all of the following requirements:

(a) Has graduated from high school or provided documentation of an equivalent education acceptable to the department and the board.

(b) Is of good moral character.

(c) Is a licensed barber with not less than 2 years' experience.

(2) A student instructor shall not render barber services to the public in a barber college except incidentally as a teaching example or to correct or complete the work of a student.

(3) With the approval of the board, a student instructor may renew his or her license for an additional year.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1107 Repealed. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Compiler's note: The repealed section pertained to qualifications for license to practice as an apprentice.

Popular name: Act 299

339.1108 Barber license; requirements; effect of licensure in another state, jurisdiction, or country; denial or limitation of license; substitution of experience for instruction; unavailability of records.

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

(a) Is not less than 17 years of age.

(b) Is of good moral character.

(c) Demonstrates satisfactory completion of not less than a 1,800-hour course of study at a licensed barber college.

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

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

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

(3) For the purposes of fulfilling the requirement of subsection (1)(c), an individual whose instruction as a barber was received in another state, jurisdiction, or country may substitute experience as a barber or barber apprentice for instruction in the ratio of 3 months of experience for 100 hours of instruction. However, if his or her experience as a barber or barber apprentice was acquired in a country that the department considers a country from which records are not generally available, both of the following apply to the substitution of experience for instruction under this subsection:

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

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

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1982, Act 360, Eff. Mar. 30, 1983;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989;—Am. 2014, Act 136, Imd. Eff. May 27, 2014.

Popular name: Act 299

339.1109 Instructor license; requirements; substitution of experience for required training; waiver.

Sec. 1109. (1) The department shall issue a license as an instructor to an individual who fulfills all of the following requirements:

(a) Is a licensed barber with not less than 2 years of experience.

(b) Except as provided in subsection (2), has completed 1 year of instruction in the teaching of barbering at a licensed barber college or has successfully completed 60 semester hours or 90 term hours in a course of instruction approved by the board at an accredited college or university and has 6 months of instruction in the teaching of barbering at a barber college.

(c) Has graduated from high school or has an equivalent education as approved by the department.

(d) Has passed an examination approved by the board and the department to determine the individual's fitness to practice as an instructor.

(e) Is of good moral character.

(2) For the purposes of fulfilling the requirements of subsection (1)(b), an individual who has been duly authorized under the laws of another state, jurisdiction, or country to instruct others in barbering may substitute 1 year of experience in barber instruction for the required training. The requirements of subsection (1)(a) and (d) shall not be waived on the basis of prior experience as an instructor.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1981, Act 83, Imd. Eff. July 1, 1981;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1110 Barber college; licensing requirements; instruction by student instructor; notice; transfer of ownership or change of location; automatic revocation; required classroom courses; rules; display of license.

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

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

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

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

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

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

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

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

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

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

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

(3) The license of a barber college is automatically revoked if there is a transfer of ownership or change of location of a barber college. The department shall not grant a new license to new owners or for a new location unless the requirements of subsection (1) are met.

(4) The classroom courses of a barber college shall include at least all of the following: scientific

fundamentals for barbering; hygiene; bacteriology; histology of hair, skin, and nails; structure of the head, face, and neck, including muscles and nerves; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands, and nails; massaging and manipulating the head, face, and neck; haircutting and shaving; cosmetic therapy; arranging, styling, dressing, coloring, bleaching, curling, permanent waving, and tinting of the hair; elements of business training; and barber laws and rules of the state.

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

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

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989;—Am. 2014, Act 137, Imd. Eff. May 27, 2014.

Popular name: Act 299

339.1111 Barbershop; licensing requirements; partitioning from dwelling; lodging or residential purposes prohibited; transfer of ownership or location as revocation of license; granting of new license; display of licenses.

Sec. 1111. (1) The department shall issue a license to a barbershop which fulfills all of the following requirements:

(a) Has made, through its owner, application to the department. The application shall include a description of the premises for which licensure is sought.

(b) Has satisfactorily passed an inspection to determine that the barbershop has met sanitation and establishment standards prescribed in rules promulgated under this article.

(2) A barbershop shall be completely partitioned from a dwelling and shall not be occupied for lodging or residential purposes.

(3) The transfer of ownership or location of a barbershop shall automatically revoke its license. A new license shall not be granted to a new owner or at a new location unless the requirements of subsection (1) have been fulfilled.

(4) The licenses of the barbershop and all barbers working in the barbershop shall be displayed in a prominent place visible to the public at all times. The license of an individual barber may be posted at the barber's work station.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1112 Rules.

Sec. 1112. The board shall promulgate rules setting forth standards for sanitation in barbershops and barber colleges.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Popular name: Act 299

339.1113 Inspections; right to enter premises.

Sec. 1113. Following the initial inspection required to open a barbershop or barber college, each barbershop shall be inspected at least once a year, and each barber college shall be inspected twice a year. A board member or representative of the department shall be allowed to enter the premises during regular business hours for the purpose of inspecting to determine that the barbershop or barber college meets the requirements of this article and rules promulgated under this article.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Popular name: Act 299

339.1114 Renewal of license; form; effect of failure to renew.

Sec. 1114. A student instructor, barber, instructor, barbershop or barber college license shall be renewed by completing a form provided by the department on or before the date prescribed in rules promulgated by the department. A barber or instructor who fails to renew a license for 3 or more years shall be required by the board to complete the licensing examination.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 1988, Act 463, Eff. Sept. 1, 1989.

Popular name: Act 299

339.1115, 339.1116 Repealed. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Compiler's note: The repealed section pertained to the inspection and operation of a barbershop or barber college and to barbershop sanitary conditions.

Popular name: Act 299

339.1117 Rendering of barber services off premises; requirements; demonstration permit.

Sec. 1117. (1) Except as otherwise provided in this section, barber services shall only be rendered in premises licensed by the department under this article. A barber may render services outside of a barbershop to a patient in a hospital, nursing home, home for the aged, or similar facility or to a person in the person's home if it is impractical or unsafe for the patient or person to travel due to frailty, age, injury, or illness.

(2) The department may issue a demonstration permit, valid for not longer than 1 year, to allow demonstrations on premises not in use as a barbershop. The holder of a demonstration permit shall maintain health, safety, and sanitation standards as set forth in rules authorized under this article. The department may issue a demonstrator permit, valid for no longer than 1 week, to a person not licensed in this state to perform barbering services solely for the purposes of demonstration, provided that the demonstrator is duly authorized to perform barbering services under the laws of another state, jurisdiction, or country.

History: 1980, Act 299, Imd. Eff. Oct. 21, 1980;—Am. 1984, Act 25, Imd. Eff. Mar. 12, 1984;—Am. 2003, Act 207, Imd. Eff. Nov. 26, 2003.

Popular name: Act 299

339.1118 Prohibited conduct; strictures.

Sec. 1118. In addition to other penalties prescribed by law, a licensee who commits 1 or more of the following shall be subject to the strictures set forth in article 6:

- (a) As a student, receiving compensation for performing the services of a barber.
- (b) Continuing to practice while knowingly having an infectious or communicable disease.
- (c) Operating in an unsanitary manner; failure to abide by sanitation standards set forth in rules authorized under this article.
- (d) Wilfully violating the health and safety rules of any political subdivision.
- (e) Aiding an applicant for licensure by misrepresenting a material fact.
- (f) Failing to notify the department within 30 days of a change of name or address.
- (g) Allowing a license to be used by an unlicensed person.
- (h) Hiring or permitting an unlicensed person or student to work in a barbershop as a barber or permitting an unlicensed person to attend barber college as a student.
- (i) Operating as a barber from premises not licensed under this article, except as otherwise provided in this article.
- (j) Refusal to allow a board member or representative of the department to inspect during regular business hours premises where barbering services are rendered.
- (k) Negligent, incompetent, or careless practice causing damage to a person's hair, skin, scalp, nails, or organs.

History: Add. 1984, Act 25, Imd. Eff. Mar. 12, 1984.

Popular name: Act 299