

HOUSE BILL NO. 5786

June 06, 2024, Introduced by Rep. Churches and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled
"Occupational code,"
by amending sections 1108 and 1110 (MCL 339.1108 and 339.1110),
section 1108 as amended by 2021 PA 101 and section 1110 as amended
by 2020 PA 27.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

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

2 (b) Is of good moral character.

3 (c) Demonstrates satisfactory completion of either of the
4 following:

5 (i) ~~Not~~ **Subject to subsection (3) and section 1110(6), not** less
6 than a ~~1,800-hour~~ **1,500-hour** course of study at a licensed barber
7 college.

8 (ii) Subject to subsection (4), ~~served as an apprentice for at~~
9 ~~least 1,800~~ **not less than 1,500** hours **as an apprentice** in a barber
10 apprenticeship program.

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

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

15 (2) The department shall issue a license as a barber to an
16 individual who has held a license as a barber in another state,
17 jurisdiction, or country for **not less than** 1 out of the 3 years
18 immediately preceding the date of application if the requirements
19 for licensure in the other state, jurisdiction, or country are
20 substantially equivalent to the requirements of subsection (1), as
21 determined by the department. ~~However, the~~ **The** department may deny
22 or limit a license described in this subsection if the applicant
23 has been disciplined, or disciplinary action is pending, in another
24 state, jurisdiction, or country.

25 (3) For the purposes of fulfilling the requirement of
26 subsection (1)(c)(i), an individual whose instruction as a barber
27 was received in another state, jurisdiction, or country may
28 substitute experience as a barber or barber apprentice for
29 instruction in the ratio of 3 months of experience for 100 hours of

1 instruction. ~~However, if~~ **If** the individual's experience as a barber
2 or barber apprentice was acquired in a country that the department
3 considers a country from which records are not generally available,
4 both of the following apply: ~~to the substitution of experience for~~
5 ~~instruction under this subsection:~~

6 (a) The individual may not substitute experience for
7 instruction under this subsection unless ~~he or she~~ **the individual**
8 provides a signed and notarized attestation detailing ~~his or her~~
9 **the individual's** experience, including ~~his or her~~ **the individual's**
10 place of employment or apprenticeship, to the department.

11 (b) The individual may not substitute experience for any ~~of~~
12 ~~the~~ hours of instruction concerning safety and sanitation, or
13 concerning laws, rules, and regulations, required by the department
14 by rules promulgated under this article.

15 (4) A barber apprenticeship program does not satisfy the
16 requirements of subsection (1)(c)(ii) unless the owner of the barber
17 college or barbershop that conducts the apprenticeship program
18 ensures that the apprenticeship program meets all of the following
19 requirements:

20 (a) A student or apprentice is not required to be in
21 attendance for more than 40 hours per week.

22 (b) A system to keep and maintain records as required under
23 subsection (5).

24 (c) A grading system for students or apprentices is
25 established.

26 (d) A student or apprentice is required to pass an examination
27 before the owner of the barber college or barbershop certifies to
28 the department that ~~he or she~~ **the student or apprentice** has
29 completed training.

1 (e) Before the barber college begins training a student, or
2 the barbershop accepts an apprentice, the owner of the barber
3 college or barbershop obtains proof that the student or apprentice
4 has a high school education, or the equivalent of a high school
5 education. This subdivision does not apply to a student who is
6 enrolling in a program offered as a part of the regular curriculum
7 of a public school and approved by the state board of education.

8 (f) Before the barber college begins training a student, or
9 the barbershop accepts an apprentice, the owner of the barber
10 college or barbershop submits an application to the department on
11 behalf of the student or apprentice. The owner of the barber
12 college or barbershop shall retain a copy of the proof of education
13 described in subdivision (e), if applicable, and the application
14 described in this subdivision in the records of the barber college
15 or barbershop until the student or apprentice applies for
16 examination to obtain a license.

17 (5) The owner of a barber college or barbershop that conducts
18 an apprenticeship program shall keep and maintain the following
19 records for each apprentice for ~~at least~~ **not less than** 3 years:

20 (a) A daily attendance record.

21 (b) A record of the types of services and practical
22 applications performed during the apprentice's training.

23 (c) The date the apprentice began participating in the
24 apprenticeship program.

25 (d) A copy of the apprentice's contract.

26 (e) An evaluation and progress records of the apprentice's
27 work.

28 (f) A proposed completion date of the apprentice's
29 participation in the apprenticeship program.

1 (6) The owner of a barbershop that conducts an apprenticeship
2 program shall provide a curriculum and instruction that is
3 substantially similar to that required to be provided by a barber
4 college.

5 (7) The owner of a barbershop that conducts an apprenticeship
6 program shall not charge a fee for the teaching of barber services
7 to apprentices on the premises. The owner of a barbershop where 1
8 apprentice has been successfully trained may allow the training of
9 additional apprentices at the establishment, except that not more
10 than 2 apprentices may be trained at the same time.

11 (8) If the location of a barbershop where an apprenticeship
12 program is conducted changes, the owner of the barbershop may
13 continue the apprenticeship program at the new location if a new
14 license is issued under section 1111, and an apprentice who was
15 receiving training at the original location may continue to receive
16 training at the new location.

17 (9) As used in this section, "apprentice" means an individual
18 who is engaged in learning the theory and practice of serving as a
19 barber and providing barber services.

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

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

24 (b) Subject to subsection (6), provides an educational program
25 that requires completion of ~~225 hours of classroom study,~~
26 ~~demonstrations, and recitations and 1,575 hours of practical barber~~
27 ~~training.~~ **1,500 hours of instruction, including the required number**
28 **of hours of classroom study and practical barber training as set**
29 **forth in rules promulgated by the department.**

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

4 (d) Files and maintains a corporate surety or cash bond of
 5 \$10,000.00 conditioned on the faithful performance and satisfaction
 6 of the contractual rights of students enrolled in the barber
 7 college.

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

11 (i) At any time, **not less than 1 instructor is present when**
 12 classroom study or theory training is given to any number of
 13 students. ~~, at least 1 instructor is present.~~

14 (ii) ~~At all times, not less than 1 instructor is present for~~
 15 **every 30 students when** practical training occurs. ~~, there is at~~
 16 ~~least 1 instructor present for every 30 students at all times.~~

17 (f) Except as provided in subsection (7), is completely
 18 partitioned from any other place of business or dwelling. Except as
 19 provided in subsection (7), a person shall not conduct any ~~other~~
 20 business from a barber college **other** than the rendering of barber
 21 services and the teaching of barbering. ~~, although a A~~ barber
 22 college may sell at retail to patrons ~~these~~ preparations used on
 23 patrons who are receiving barbering services from students.

24 (g) Provides reasonable classroom facilities and other
 25 equipment for the proper instruction of students described in this
 26 subdivision and rules promulgated by the board, including 1
 27 stationary wash basin with hot and cold running water and a
 28 connected drain for every 2 barber chairs. A barber college shall
 29 arrange its enrollment and course scheduling so ~~that~~ students are

1 not required to share the use of a training station during any
2 practical training period.

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

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

18 (4) The classroom courses of a barber college shall include ~~at~~
19 ~~least~~**not less than** all of the following: scientific fundamentals
20 for barbering; hygiene; bacteriology; histology of hair, skin, and
21 nails; structure of the head, face, and neck, including muscles and
22 nerves; elementary chemistry relating to sterilization and
23 antiseptics; diseases of the skin, hair, glands, and nails;
24 massaging and manipulating the head, face, and neck; haircutting
25 and shaving; cosmetic therapy; arranging, styling, dressing,
26 coloring, bleaching, curling, permanent waving, and tinting of the
27 hair; elements of business training; and barber laws and rules of
28 ~~the~~**this** state.

29 (5) The department by rule shall prescribe the number of hours

1 of instruction a barber college is required to provide for each
2 subject set forth in subsection (4). Each barber college shall
3 provide a written copy of the rules to each student at the
4 beginning of ~~his or her~~ **the student's** instruction.

5 (6) For the purposes of subsection (1)(b) and section
6 1108(1)(c), if a student of a barber college is licensed as a
7 cosmetologist under article 12, the barber college may allow the
8 student to substitute hours of instruction completed at a state
9 school of cosmetology for hours of instruction that are
10 substantially similar in content to hours of instruction at the
11 barber college. ~~However, a~~ **A** barber college shall not allow a
12 student to substitute more than 1,000 hours of substantially
13 similar instruction from a state school of cosmetology for hours of
14 instruction at the barber college under this subsection. The
15 department by rule shall establish criteria for determining whether
16 an hour of instruction at a state school of cosmetology is
17 substantially similar to an hour of instruction at a barber
18 college. As used in this subsection and subsection (7), "state
19 school of cosmetology" means a school of cosmetology that is
20 licensed under article 12.

21 (7) A barber college and a state school of cosmetology may
22 occupy the same building and share facilities.

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