

State Budget Office  
**Office of Regulatory Reinvention**  
111 S. Capitol Avenue; 8th Floor, Romney Building,  
Lansing, MI 48933  
Phone: (517) 335-8658 FAX: (517) 335-9512

## REQUEST FOR RULEMAKING (RFR)

Under the Administrative Procedures Act (APA), 1969 PA 306, the agency that has the statutory authority to promulgate rules must electronically file a RFR with the Office of Regulatory Reinvention (ORR) before initiating any changes or additions to the rules. Submit copy to the ORR at [orr@michigan.gov](mailto:orr@michigan.gov).

### 1. Agency Information

Agency name:	Department of Licensing and Regulatory Affairs
Division/Bureau/Office:	Bureau of Professional Licensing
Agency contact person name, e-mail, and phone:	Rick Roselle, <a href="mailto:roseller1@michigan.gov">roseller1@michigan.gov</a> , 517-335-1769

### 2. Rule Set Information

Title of proposed rule set:	Barbers
Rule number(s) or range of numbers:	R 339.6001 – R 339.6051
Included in agency's annual regulatory plan as rule to be processed in current year?	Yes.

### 3. Estimated timetable for completion, or statutory deadline, if applicable:

1 year
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### 4. Describe the general purpose of these rules, including any problem(s) the changes are intended to address:

The purpose of the proposed rules is to amend the previously adopted rules to eliminate outdated language and create consistency with 1980 PA 299, known as the occupational code. Many of the rules establishing sanitation and equipment requirements have not been revised since 1991. The proposed rules will amend the sanitation requirements to reflect current standards. The proposed rules will also update the equipment standards for a barber college to remove the requirement to possess a chalkboard, dictionary, and skin and hair charts.

In addition, the statute requires a school to provide an educational program that requires 225 hours of theory instruction and 1,575 hours of practical training, which totals 1,800 hours. The table in the rules that outlines the curriculum requirements lists 250 hours of theory instruction and 1,750 hours of practical training, which can be varied by 10% within each subject. The 10% variance creates confusion because it is not clear if the total minimum hours must be 2,000 hours when the 10% variance in each subject is used or when it is not used. The table will be amended to clarify that the total minimum hours in theory instruction is 250 hours and the total minimum hours in practical training is 1,575.

### 5. Cite the specific rule promulgation authority (i.e. agency director, commission, board, etc., listing all applicable statutory references. If the rule(s) are mandated by any applicable constitutional or statutory provision, please explain.

By authority conferred on the director of the department of licensing and regulatory affairs by sections 205, 1110, and 1112 of 1980 PA 299, MCL 339.205, MCL 339.1110, and

MCL 339.1112; and on the board of barbers by section 308 of 1980 PA 299, MCL 339.308; and by Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, MCL 445.2001, MCL 445.2011, and MCL 445.2030.

**6. Describe the extent to which the rule(s) conflict with, duplicate, or exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level. Include applicable public act and statutory references.**

The proposed rules do not conflict with, duplicate, or exceed similar rules or regulations adopted by the state or federal government.

**7. Is the subject matter of the rule(s) currently contained in any guideline, manual, handbook, instructional bulletin, form with instructions, or operational memo?**

The subject matter of the rules is not currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda.

**8. Explain whether the rule(s) will be promulgated under Sections 44 or 48 of the APA or the full rulemaking process:**

The proposed rules will be promulgated under the full rulemaking process.

**9. Do the rule(s) incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5? If yes, explain.**

No, the proposed rules do not incorporate the recommendations of any Advisory Rules Committee formed pursuant to Executive Order 2011-5.

**10. Is there an applicable decision record as defined in Section 3(6) and required by Section 39(2) of the APA? If so, please attach the decision record.**

Yes. Please see the attached Board of Barber Examiner’s minutes from May 22, 2017.

**11. Reviewed by the following Departmental Regulatory Affairs Officer:**

Liz Arasim  
Department of Licensing and Regulatory Affairs.

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↓ To be completed by the ORR ↓

Date RFR received:10-8-2018

**Based on the information in this RFR, the ORR concludes that there are sufficient policy and legal bases for approving the RFR.**

ORR assigned rule set number:	<b>2018-065 LR</b>
Date of approval:	<b>10/19/18</b>

**Based on the information in this RFR, the ORR is not approving the RFR at this time.**

Date of disapproval:	
Explanation:	