

**Michigan Office of Administrative Hearings and Rules
Administrative Rules Division (ARD)**

MOAHR-Rules@michigan.gov

REQUEST FOR RULEMAKING (RFR)

1. Department:

Licensing and Regulatory Affairs

2. Bureau:

Bureau of Professional Licensing

3. Promulgation type:

Full Process

4. Title of proposed rule set:

Barbers – General Rules

5. Rule numbers or rule set range of numbers:

R 339.6001 – R 339.6051

6. Estimated time frame:

12 months

Name of person filling out RFR:

Dena Marks

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7. Describe the general purpose of these rules, including any problems the changes are intended to address.

The current rules pertain to licensure, sanitation requirements, patron protection, barber college requirements, and barber college curriculum.

The rules will be amended to identify and adopt the national licensure examination recently approved by the board for licensure. The rules will also be reviewed and, if necessary, amended to clarify the requirements for barber apprenticeships. All rules will be reviewed and may be revised for clarity or to provide up-to-date information and requirements.

8. Please cite the specific promulgation authority for the rules (i.e. department director, commission, board, etc.).

The department in consultation with the board.

A. Please list all applicable statutory references (MCLs, Executive Orders, etc.).

MCL 339.205, MCL 339.308, MCL 339.1110, MCL 339.1112, and 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.

B. Are the rules mandated by any applicable constitutional or statutory provision? If so, please explain.

MCL 339.205 requires the department to promulgate rules to implement articles 1 to 6 of the occupational code as necessary and appropriate to enable the department to fulfill its role.

MCL 339.308 requires the board to promulgate rules that are necessary and appropriate for it to fulfill its role.

MCL 339.1110 requires the department to promulgate rules to establish the criteria for determining whether an hour of instruction at a state school of cosmetology is substantially similar to an hour of instruction at a barber college.

MCL 339.1112 requires the board to promulgate rules setting forth standards for sanitation in barbershops and barber colleges.

9. Please describe the extent to which the rules conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

The rules do not conflict with or duplicate similar rules, compliance requirements, or other standards adopted at the state, regional, or federal level.

10. Is the subject matter of the rules currently contained in any guideline, handbook, manual, instructional bulletin, form with instructions, or operational memoranda?

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

11. Are the rules listed on the department's annual regulatory plan as rules to be processed for the current year?

Yes.

12. Will the proposed rules be promulgated under Section 44 of the Administrative Procedures Act, 1969 PA 306, MCL 24.244, or under the full rulemaking process?

Full Process

13. Please describe the extent to which the rules exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

The proposed rules do not exceed similar regulations, compliance requirements, or other standards adopted at the state, regional, or federal level.

14. Do the rules incorporate the recommendations received from the public regarding any complaints or comments regarding the rules? If yes, please explain.

The rules do not incorporate the recommendations received from the public regarding any complaints or comments regarding the rules.

15. If amending an existing rule set, please provide the date of the last evaluation of the rules and the degree, if any, to which technology, economic conditions, or other factors have changed the regulatory activity covered by the rules since the last evaluation.

The rules were last amended November 4, 2021. MCL 339.1108 was amended, effective March 30, 2022, permitting an applicant to be licensed after completing a barber apprenticeship program.

16. Are there any changes or developments since implementation that demonstrate there is no continued need for the rules, or any portion of the rules?

There are no changes or developments since implementation that demonstrate that there is no continued need for the rules.

17. Is there an applicable decision record (as defined in MCL 24.203(6) and required by MCL 24.239(2))? If so, please attach the decision record.

Yes