



STATE OF MICHIGAN
JOCELYN BENSON, SECRETARY OF STATE
DEPARTMENT OF STATE
LANSING

November 4, 2021

NOTICE OF FILING

ADMINISTRATIVE RULES

To: Secretary of the Senate
Clerk of the House of Representatives
Joint Committee on Administrative Rules
Michigan Office of Administrative Hearings and Rules (Administrative Rule #20-068-LR)
Legislative Service Bureau (Secretary of State Filing #21-11-04)
Department of Licensing and Regulatory Affairs

In accordance with the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6, this is to advise you that the Michigan Office of Administrative Hearings and Rules filed Administrative Rule #2020-068-LR (Secretary of State Filing #21-11-04) on this date at 2:54 P.M. for the Department of Licensing and Regulatory Affairs entitled, "Barbers – General Rules".

These rules take effect immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

Sincerely,

Jocelyn Benson
Secretary of State

Sue Sayer /CK

Sue Sayer, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

November 4, 2021

The Honorable Jocelyn Benson
Secretary of State
Office of the Great Seal
Richard H. Austin Building – 1st Floor
430 W. Allegan
Lansing, MI 48909

Dear Secretary Benson:

Re: Administrative Rules – Michigan Office of Administrative Hearings and Rules
Administrative Rules #: 2020-68 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated June 15, 2021 for the Department of Licensing & Regulatory Affairs “**Barbers - General Rules**”. We are transmitting these rules to you pursuant to the requirements of Section 46 of Act No. 306 of the Public Acts of 1969, being MCL 24.246, and paragraph 16 of Executive Order 1995-6.

Sincerely,

A handwritten signature in black ink, appearing to be "Orlene Hawks", written over a horizontal line.

Michigan Office of Administrative Hearings and Rules



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
LANSING

ORLENE HAWKS
DIRECTOR

CERTIFICATE OF ADOPTION

By authority conferred on the Director of the Department of Licensing and Regulatory Affairs by Sections 205, 308, 1110, and 1112 of the Occupational Code, 1980 PA 299, MCL 339.205, 339.308, 339.1110, and 339.1112, Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030.

R 339.6031 and R 339.6047 of the Michigan Administrative Code are amended, and R 339.6002, R 339.6022, R 339.6023, and R 339.6040 are added.

Date: 11/03/2021

Adopted by: _____

Orlene Hawks
Director

Department of Licensing and Regulatory Affairs



STATE OF MICHIGAN

GRETCHEN WHITMER
GOVERNOR

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

ORLENE HAWKS
DIRECTOR

LEGAL CERTIFICATION OF RULES

I certify that I have examined the attached administrative rules, dated June 15, 2021, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled "**Barbers – General Rules**" by:

- ◆ Amending R 339.6031 and R 339.6047.
- ◆ Adding R 339.6002, R 339.6022, R 339.6023, and R 339.6040.

The Legislative Service Bureau has approved the proposed rules as to form, classification, and arrangement.

I approve the rules as to legality pursuant to the Administrative Procedures Act, MCL 24.201 *et seq.* and Executive Order No. 2019-6. In certifying the rules as to legality, I have determined that they are within the scope of the authority of the agency, do not violate constitutional rights, and are in conformity with the requirements of the Administrative Procedures Act.

Dated: August 26, 2021

Michigan Office of Administrative Hearings and Rules

By:

Katie Wienczewski,
Attorney



Since 1941

Legal Division

Kevin H. Studebaker, Director

CERTIFICATE OF APPROVAL

On behalf of the Legislative Service Bureau, and as required by section 45 of the Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.245, I have examined the proposed rules of the Department of Licensing and Regulatory Affairs dated June 15, 2021, amending R 339.6031 and R 339.6047 and adding R 339.6002, R 339.6022, R 339.6023, and R 339.6040 of the Department's rules entitled "Barbers – General Rules." I approve the rules as to form, classification, and arrangement.

Dated: August 25, 2021

LEGISLATIVE SERVICE BUREAU

By

Elizabeth R. Edberg,
Legal Counsel

Michigan Legislature

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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BARBERS - GENERAL RULES

Filed with the secretary of state on November 4, 2021

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the director of the department of licensing and regulatory affairs by section sections 205, 308, 1110, and 1112 of the occupational code, 1980 PA 299, MCL 339.205, 339.308, 339.1110, and 339.1112, Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 339.6031 and R 339.6047 of the Michigan Administrative Code are amended, and R 339.6002, R 339.6022, R 339.6023, and R 339.6040 are added, as follows:

PART 1. GENERAL PROVISIONS

R 339.6002 Definitions.

Rule 2. (1) As used in these rules:

(a) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.

(b) "Department" means the department of licensing and regulatory affairs.

(2) Terms that are defined in the code have the same meaning when used in these rules.

PART 2. LICENSES

R 339.6022 Licensure by endorsement; substantially equal requirements; substituted experience; training obtained outside the United States.

Rule 22. (1) An individual who is licensed as a barber in another state, jurisdiction, or country may apply for a barber license by endorsement under this rule.

(2) An applicant for licensure by endorsement, in addition to meeting all the requirements under section 1108 of the code, MCL 339.1108, shall submit an application on a form provided by the department, pay the required fee, and satisfy all of the following requirements:

(a) Hold or have held in good standing a license as a barber for at least 1 of the 3 years immediately preceding the date of application.

(b) Provide proof of any name change, if the name on the application does not match the name shown on the submitted documents.

(c) Demonstrate that the licensure requirements of the state, jurisdiction, or country in which he or she is authorized to perform barber services are substantially equal to the requirements for licensure under the code and these rules.

(3) The requirements of another state, jurisdiction, or country are considered substantially equal to the requirements for a barber license in this state if both of the following conditions are satisfied:

(a) The state, jurisdiction, or country required an applicant to pass 1 or more examinations that tested barber theory and practical application that are substantially equal to the theory and practical application examinations for licensure in this state.

(b) The state, jurisdiction, or country required an applicant to receive not less than 1,800 hours of prelicensure training at a licensed barber college.

(4) If the applicant's prelicensure training does not satisfy the requirements of subrule (3)(b) of this rule, pursuant to section 1108(3) of the code, MCL 339.1108, the hours of prelicensure training required under the code and these rules may be substituted with barber or barber apprentice experience at a ratio of 100 hours of training for each 3 months of barber or barber apprentice experience. To receive credit, the applicant shall attest on a form provided by the department that he or she worked as a barber or barber apprentice for a period of time equal to the number of hours of training required for licensure.

(5) Both of the following apply regarding education, training, or experience obtained outside of the United States:

(a) An applicant who received education, training, or experience outside the United States shall have documentation provided directly to the department from the educational institution, apprenticeship, or employer verifying his or her education, training, and experience. Documentation that is provided in a language other than English must include a copy in English that is translated and notarized by an embassy or professional translation service.

(b) If the educational, apprenticeship, or work experience records are unavailable from the country in which an applicant received his or her education, training, or experience, he or she may not substitute experience for any of the hours of prelicensure training concerning safety and sanitation, or laws, rules, or regulations. To receive credit for other required prelicensure training hours, the applicant shall provide both of the following:

(i) A notarized affidavit stating the total number of years of education, apprenticeship, or barber experience he or she has completed. The affidavit shall include the name of each school he or she attended and the degree or training he or she received, including the courses taken and grades received, and if applicable, the names of each former employer or apprenticeship supervisor.

(ii) A notarized statement from a government official of the country in which the records are unavailable attesting to the unavailability of his or her records.

(6) Each state, jurisdiction, or country in which the applicant holds or has ever held a license as a barber shall verify that the applicant's license is currently in good standing or was in good standing just prior to its lapse.

Rule 23. (1) An applicant whose license has lapsed for 3 years or less after the expiration date of the last license may be relicensed under section 411(3) of the code, MCL 339.411, after submitting a completed application on a form provided by the department and the required fee.

(2) An applicant whose license has lapsed for more than 3 years after the expiration date of the last license may be relicensed under section 411(4) of the code, MCL 339.411, after submitting a completed application on a form provided by the department, the required fee, and satisfying either of the following requirements:

(a) Pass the examination required for licensure pursuant to section 1108(1)(d) of the code, MCL 339.1108.

(b) Establish that he or she has an active barber license in good standing in another state, jurisdiction, or country.

PART 3. SANITATION

R 339.6031 Premises.

Rule 31. (1) All premises used by a licensee must be maintained in a clean, safe, and sanitary condition. The premises must be free from all of the following:

(a) Dust.

(b) Mold.

(c) Mildew.

(d) Insects.

(e) Rodents.

(f) Vermin.

(g) Other sources of contamination or potential causes of health or safety hazards or nuisances.

(2) Floors, walls, ceilings, fixtures, furnishings, and work surfaces must be kept clean. Open windows and doors must be screened to prevent the entry of insects. Waste containers must be kept closed with a lid or hinged-door and emptied when full and at least once every 24 hours. Waste containers must be cleaned and disinfected at least once every 24 hours unless lined with a plastic bag that is disposed of each time the waste container is emptied.

(3) Equipment and supplies for barbering use must be stored separately from storage for any other purpose. Soiled or used towels or rubbish must not be allowed to accumulate on the premises or in adjacent areas. Used towel and rubbish storage may not be adjacent to storage for clean supplies. Covered containers or cabinets must be provided for clean supplies that are not wrapped for sanitation.

(4) Toilet facilities must be furnished on the premises unless public toilet facilities are reasonably available.

(5) Licensed premises must have stationary washbasins located within the licensed premises. Washbasins used to satisfy the sanitation requirements of these rules may not be in a restroom or out of view of the work area where services are performed. Each basin must be connected to a pressurized water system with hot and cold running water and with adequate provision for drainage and disposal of waste into a public disposal system or septic tank.

(6) Licensed premises must comply with all regulations of the political subdivision in which they are located and with state and federal building codes, health regulations, and fire safety regulations.

PART 4. BARBER COLLEGES

R 339.6040 Substitution of hours for credits earned in Michigan-licensed cosmetology school; substantially similar criteria and determination; notice to department.

Rule 40. (1) Pursuant to section 1110(6) of the code, MCL 339.1110, a barber college may allow a student who is a Michigan-licensed cosmetologist to substitute up to 1,000 hours of substantially similar instruction obtained from a Michigan-licensed cosmetology school for hours of instruction required by the barber college.

(2) In determining if an hour of instruction earned from a Michigan-licensed cosmetology school is substantially similar and may be substituted for required instruction in the barber student's curriculum, the barber college may consider all of the following:

- (a) The student's cosmetology school transcript.
- (b) The student's scores on examinations.
- (c) The cosmetology school's course descriptions.

(d) The student's performance on an examination conducted by the barber college that tests the student's theory and practical knowledge.

(3) The barber college shall determine the number of substantially similar instruction hours that will be substituted for hours of required instruction in the student's barber college curriculum before the student begins his or her barber college program.

(4) The barber college shall notify the department of the number of substantially similar hours it permitted the student to substitute in the student's barber college curriculum.

R 339.6047 Barber college; curriculum.

Rule 47. A barber college shall follow a curriculum of instruction in barbering shown under table 47. The curriculum may vary within 10% of the hours for each subject specified in this rule as long as the total theory hours is not less than 225 and the total practical hours is not less than 1,575.

TABLE 47
Barber Training Curriculum

Topic	Theory Hours	Practical Hours
(a) Orientation: (i) History of barbering profession. (ii) Implements of barbering profession.	10	0
(b) Safety and sanitation: (i) General (basic first aid, work stations). (ii) Bacteriology and diseases of hair, scalp, skin, nails, and glands. (iii) Implements (sanitation, maintenance, care).	60	50

(iv) Laws and rules governing safety and sanitation.		
(c) Client services: (i) Composition, structure, function of skin, hair, head, face, and neck. (ii) Analysis of bone structure, skin, and hair. (iii) Determination of services desired by client. (iv) Examination of client (identifying disorders and diseases), referral for medical treatment. (v) Recommending services and follow-up maintenance.	30	These activities must be performed as part of activities specified in subdivisions (d), (e), and (f) of this rule.
(d) Haircut and shave: (i) Hair cutting. (ii) Hair styling. (iii) Razor honing and stropping. (iv) Shaving and beard trimming.	60	1,000
(e) Chemical services: (i) Shampooing and conditioning hair. (ii) Hair waving and relaxing. (iii) Hair coloring and lightening.	15	125
(f) Secondary services: (i) Skin care (facials, massage, and therapy). (ii) Hair and scalp treatments (preparations, massage, and therapy). (iii) Selling and servicing hairpieces.	25	275
(g) Laws, rules, and regulations: (i) Governing the barber. (ii) Governing the barbershop.	10	0
(h) Business management: (i) Ethics. (ii) Merchandising. (iii) Bookkeeping. (iv) Taxes. (v) Insurances.	10	100
(i) Licensure examination preparation.	5	25
	225	1,575

FILED WITH SECRETARY OF STATE

ON 11/4/21 AT 2:54PM