



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

October 2, 2023

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 #22-029-LR)
Legislative Service Bureau (Secretary of State Filing #23-10-03)
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 #2022-029-LR (Secretary of State Filing #23-10-03) on this date at 11:57 A.M. for the Department of Licensing and Regulatory Affairs entitled, "Barbers – General Rules".

These rules become effective immediately after 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

Lashana Threlkeld / CLK

Lashana Threlkeld, Departmental Supervisor
Office of the Great Seal

Enclosure



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
SUZANNE SONNEBORN
EXECUTIVE DIRECTOR

MARLON I. BROWN, DPA
ACTING DIRECTOR

October 2, 2023

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 #: 2022-29 LR

The Michigan Office of Administrative Hearings and Rules received administrative rules, dated March 23, 2023 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,

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 and the Board of Barber Examiners 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 339.6002, R 339.6022, R 339.6023, R 339.6031, R 339.6033, R 339.6035, R 339.6037, R 339.6039, R 339.6041, R 339.6047, and R 339.6049 of the Michigan Administrative Code are amended, R 339.6021, R 339.6042, R 339.6044, and R 339.6045 are added, and R 339.6040 is rescinded.

Date: 05/19/2023

Adopted by: *Marlon I. Brown*
Marlon I. Brown
Chief Administrative Officer
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 March 7, 2023, in which the Department of Licensing and Regulatory Affairs proposes to modify a portion of the Michigan Administrative Code entitled “**Barbers**” by:

- ◆ Amending R 339.6002, R 339.6022, R 339.6023, R 339.6031, R 339.6033, R 339.6035, R 339.6037, R 339.6039, R 339.6041, R 339.6047, and R 339.6049.
- ◆ Adding R 339.6021, R 339.6042, R 339.6044, and R 339.6045.
- ◆ Rescinding 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: June 6, 2023

Michigan Office of Administrative Hearings and Rules

By: *Emily Leik*

Emily Leik,
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 March 7, 2023, amending R 339.6002, R 339.6022, R 339.6023, R 339.6031, R 339.6033, R 339.6035, R 339.6037, R 339.6039, R 339.6041, R 339.6047, and R 339.6049, rescinding R 339.6040, and adding R 339.6021, R 339.6042, R 339.6044, and R 339.6045 of the Department's rules entitled "Barbers." I approve the rules as to form, classification, and arrangement.

Dated: June 5, 2023

LEGISLATIVE SERVICE BUREAU

By _____

Rachel M. Hughart,
Legal Counsel

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

BARBERS

Filed with the secretary of state on October 2, 2023

These rules become effective immediately after 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 and the board of barber examiners 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 339.6002, R 339.6022, R 339.6023, R 339.6031, R 339.6033, R 339.6035, R 339.6037, R 339.6039, R 339.6041, R 339.6047, and R 339.6049 of the Michigan Administrative Code are amended, R 339.6021, R 339.6042, R 339.6044, and R 339.6045 are added, and R 339.6040 is rescinded, as follows:

PART 1. GENERAL PROVISIONS

R 339.6002 Definitions.

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

- (a) "ANSI" means the American National Standards Institute.
 - (b) "Apprenticeship program" means a barber teaching program conducted in a licensed barbershop teaching barbering services to an apprentice without charging a fee.
 - (c) "Board" means the board of barber examiners created under section 1102 of the code, MCL 339.1102.
 - (d) "Code" means the occupational code, 1980 PA 299, MCL 339.101 to 339.2677.
 - (e) "Department" means the department of licensing and regulatory affairs.
 - (f) "EPA" means the United States Environmental Protection Agency.
 - (g) "NACES" means the National Association of Credential Evaluation Services.
 - (h) "ISEA" means the International Safety Equipment Association.
 - (i) "NBCP" examination means the National Barber Cosmetology Program examination.
 - (j) "PSI" means PSI Services, LLC.
 - (k) "UV" means ultraviolet.
- (2) Terms that are defined in the code have the same meaning when used in these rules.

PART 2. LICENSES

March 7, 2023

R 339.6021 License examination requirement; examination administrator; valid score.

Rule 21. (1) Until 1 year after the effective date of these rules, an applicant for an initial barber license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license in table 21. A passing score is valid for 1 year after the date it was earned.

(2) Beginning 1 year after the effective date of these rules, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial barber license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP examination, as determined by PSI, on the examination required for the license in table 21. A passing score is valid for 1 year after the date it was earned.

(3) Until 1 year after the effective date of these rules, an applicant for an initial barber instructor license, in addition to meeting all the requirements of the code, shall pass the state examination required for the license in table 21. A passing score is valid for 1 year from the date it was earned.

(4) Beginning 1 year after the effective date of these rules, the board adopts the NBCP examination developed and scored by PSI. An applicant for an initial barber instructor license, in addition to meeting all the requirements of the code, shall achieve a passing score on the NBCP examination, as determined by PSI, on the examination required for the license in table 21. A passing score is valid for 1 year after the date it was earned.

(5) The state examination must be administered by a third party chosen by the department. The NBCP examination must be administered by PSI or its successor organization.

(6) The passing score on the state or national examination is determined by the third party chosen to administer the examination.

(7) The required examination or examinations for each license type is listed below in table 21.

TABLE 21

License Type		Required Examination
(a)	Barber	Barber theory Barber practical
(b)	Instructor	Barber instructor theory

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 the applicant has held a barber license for at least 1 of the 3 years immediately preceding the date of application, 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 the state, jurisdiction, or country required an applicant to pass 1 or more examinations that tested barber theory and practical applications that are substantially equal to the barber theory and practical application examinations for licensure in this state and the applicant satisfies either of the following:

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

(b) The state, jurisdiction, or country required an applicant to receive not less than 1,800 hours of precensure instruction in a barber apprenticeship program.

(4) If an applicant received instruction outside of the United States, the evidence that the precensure instruction was substantially equal to the requirements for a barber license in this state must include an evaluation completed by a current member of the NACES.

(5) Except as provided in subrule (6) of this rule, if the applicant received precensure instruction at a licensed barber college and the applicant's records fail to satisfy the requirements of subrule (3)(a) of this rule, under section 1108(3) of the code, MCL 339.1108, the hours of precensure instruction 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 the applicant worked as a barber or barber apprentice for a period of time equal to the number of hours of training required for licensure.

(6) If the applicant's records of precensure instruction at a licensed barber college cannot be produced because the instruction was obtained in a country from which records are not generally available, the applicant may substitute the hours as allowed under subrule (5) of this rule for those required under R 339.6047, table 47, except those under the topics of safety and sanitation and laws, rules, and regulations by providing both of the following:

(a) A notarized affidavit stating all of the following, as applicable:

(i) The name and address of each school or barber college program where precensure instruction was completed, including a description of the type of instruction and grades received.

(ii) The total number of years of precensure instruction received.

(iii) The name and address of each entity where barber or barber apprenticeship experience was acquired, along with the dates and hours of qualified experience as a barber or as a barber apprentice.

(b) A notarized statement from a government official of the country in which the records are unavailable attesting to the unavailability of the applicant's records.

(7) 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 before it lapsed.

R 339.6023 Relicensure requirements.

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 under section 1108(1)(d) of the code, MCL 339.1108.

(b) Establish that the applicant has or had an active barber license in good standing in another state, jurisdiction, or country for at least 1 of the 3 years immediately preceding the application for relicensure.

PART 3. HEALTH, SAFETY, AND SANITATION AT THE PREMISES
OF A BARBERSHOP OR BARBER COLLEGE

R 339.6031 Premises of barbershop or barber college.

Rule 31. (1) The owner of a barbershop or barber college shall ensure that the barbershop or college complies with the requirements of subrules (2) to (10) of this rule.

(2) A barbershop or barber college shall have and maintain all of the following:

(a) An adequate supply of running hot and cold water necessary to complete all cleaning requirements and barber services offered on the premises and necessary to comply with all local, state, and federal laws and regulations where services are provided.

(b) Adequate ventilation to prevent the concentration of chemical vapors and strong odors.

(c) Clean, covered containers for holding used towels, capes, and neck strips.

(d) An adequate amount of cleaning, disinfecting, and sterilizing equipment, including a washbasin, and supplies necessary to meet the sanitation requirements of these rules.

(e) The manufacturer-labeled container of each disinfectant and sterilant that is used.

(f) Covered waste containers that are large enough to contain 1 day's accumulation of waste materials.

(g) If a chair, headrest, or other station is used for providing services to patrons, it must be made of, or covered in, a nonporous material that can be disinfected.

(h) If providing shampooing services, a shampoo bowl equipped with hot and cold running water.

(i) At least 1 first aid kit that is labeled by the manufacturer as meeting the ANSI/ISEA American national standard - minimum requirements for workplace first aid kits and supplies. A first aid kit labeled by the manufacturer with a stamp indicating "ANSI Z308.1" or "ANSI/ISEA Z308.1" satisfies this requirement.

(3) A barbershop or barber college shall keep the premises clean.

(4) A barbershop or barber college shall ensure that waste containers are always closed and emptied when full, but not less than once every 24 hours. Additionally, the waste container must be cleaned and disinfected at least once every 24 hours unless lined with a plastic bag that is disposed of each time that the waste container is emptied.

(5) A barbershop or barber college shall maintain tools and equipment in a safe condition and in good working order.

(6) A barbershop or barber college shall store equipment and supplies used for barbering services separately from storage for any other purpose.

(7) Clean tools and supplies must be stored in covered containers separate from used tools and supplies.

(8) Used towel and rubbish storage must not be adjacent to storage for clean supplies.

(9) A barbershop or barber college shall have toilet facilities on the premises for patron or student use unless public toilet facilities are reasonably available.

(10) A barbershop or barber college shall comply with all local, state, and federal regulations, including building codes, health regulations, and fire safety regulations.

R 339.6033 Cleaning, disinfecting, and sterilizing tools and equipment.

Rule 33. (1) Unless otherwise provided under this rule, a licensee, student, or apprentice shall disinfect all non-electrical tools that are not disposed of after each use on a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Wipe sharp-edged tools with a 70% alcohol solution.

(c) Disinfect using 1 of the following methods:

(i) Exposing all surfaces to UV light in compliance with the requirements for disinfection established by the manufacturer of the disinfecting device.

(ii) Fully immersing in a wet sanitizer that contains a sanitizing agent registered with the EPA for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(iii) Scrubbing all surfaces with a disinfectant wipe or clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.

(d) Fully dry by air or with a clean towel before storing in a clean, covered place such as a fully enclosed drawer, cabinet, or container.

(2) Unless otherwise provided under this rule, a licensee, student, or apprentice shall disinfect all removeable parts of an electrical tool after each use on a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Wipe sharp-edged tools with an alcohol solution of, at a minimum, 70% alcohol.

(c) Disinfect using 1 of the following methods:

(i) Exposing all surfaces to UV light in compliance with the requirements for disinfection established by the manufacturer of the disinfecting device.

(ii) Fully immersing in a wet sanitizer that contains a sanitizing agent registered with the EPA for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(iii) Scrubbing all surfaces with a disinfectant wipe or clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.

(d) Fully dry by air or with a clean towel before storing in a clean, covered place such as a fully enclosed drawer, cabinet, or container. Electrical items with a cord must not be stored in a container used for storing other clean items.

(3) A licensee, student, or apprentice shall disinfect a shampoo bowl after each use in the following sequential manner:

(a) Remove all visible debris.

(b) Scrub all surfaces with a disinfectant wipe or clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.

(4) A licensee, student, or apprentice shall dispose of a single-use duster or other brush after each use or disinfect a reusable duster or other brush in the following sequential manner after each use:

(a) Remove all visible debris.

(b) Wash with soap or detergent and water and rinse with clean water.

(c) Immerse in a wet sanitizer for not less than 10 minutes or the period recommended by the manufacturer of the disinfectant.

(5) A licensee, student, or apprentice shall disinfect every barbering chair, headrest, or other station that comes in direct contact with a patron's skin after use by a patron in the following sequential manner:

(a) Remove all visible debris.

(b) Scrub all surfaces with a disinfectant wipe or a clean towel and disinfectant spray that contains a disinfecting agent registered with the EPA.

R 339.6035 Use or storage of certain items prohibited on the premises of a barbershop or barber college; use of powdered or liquid astringent to stop bleeding.

Rule 35. (1) The owner of a barbershop or barber college shall not allow the use or storage of styptic pencils, or lump alum on the premises.

(2) The owner of a barbershop or barber college shall not allow the use of drops, washes, or treatment of the eyes on the premises.

(3) A licensee, student, or apprentice shall not use a styptic pencil, lump alum, or any drops, wash, or treatment of the eyes. Only a powdered or liquid astringent applied on a clean towel, cotton, or gauze may be used to stop bleeding.

R 339.6037 Patron protection.

Rule 37. (1) A licensee, student, or apprentice shall comply with all of the following for each patron:

(a) Use a clean, fresh paper or cloth towel.

(b) Cover the headrest of the chair with clean, fresh paper or cloth.

(c) Use a clean, fresh hair cloth or cape.

(d) Place a clean, fresh towel or sanitary paper or cloth neck strip around the patron's neck to prevent the hair cloth or cape from touching the patron's skin.

(2) A licensee, student, or apprentice shall launder reusable towels, capes, and neck strips with a detergent in water that is not less than 160 degrees Fahrenheit for not less than 25 minutes during a wash and rinse cycle. The following exceptions and presumption apply to this subrule:

(a) A detergent registered as a disinfectant with the EPA is not required.

(b) Machine washing is not required for plastic or nylon capes that are disinfected after each use by scrubbing all surfaces using a disinfectant wipe or a clean towel and disinfect spray.

(c) Towels, capes, and neck strips laundered through commercial laundry services are presumed to satisfy the requirements of this subrule.

(3) A licensee, student, or apprentice shall comply with all of the following:

(a) Wash hands or apply hand sanitizer before beginning each new barbering service.

(b) Store soiled towels, capes, and neck strips in fully enclosed covered containers.

(c) Store clean tools, towels, capes, neck strips, and supplies in a clean, covered, fully enclosed container and separate from used tools, towels, capes, neck strips, and supplies.

(d) Use clean tools, equipment, and supplies on patrons.

(e) Dispose of all 1-time-use tools and supplies after each use on a patron.

(f) Remove any hair clippings from the floor and work surfaces once hair care services are completed on each patron.

(g) Store all semi-solid substances, including, but not limited to, creams, lotions, oils, and powders in a fully enclosed, covered container.

(h) Remove all semi-solid substances by using a clean spatula or 1-time-use spatula that is disposed of after use on a patron unless the substance is dispensed from a shaker dispenser that prevents contact with the skin.

(4) When not in use, a licensee, student, or apprentice shall ensure that all tools and equipment that are intended to come in contact with a patron are stored in a covered container or under a UV light in compliance with the requirements established by the manufacturer of the UV disinfecting device.

(5) A licensee, student, or apprentice shall ensure that small items of equipment, including combs and brushes, are maintained in a sanitary condition. Small items of equipment must not be carried between work areas on the person of a licensee, student, or apprentice.

R 339.6039 Blood spill procedures.

Rule 39. (1) A licensee, barbershop owner, instructor, student, apprentice, or barber school owner shall comply with all of the following provisions if a blood spill occurs:

(a) Temporarily suspend the service being performed.

(b) Provide the patron or other individual who is bleeding with adequate first aid supplies so that the bleeding can be stopped and the wound covered.

(c) Sterilize any equipment, implements, or tools that have come into contact with the blood spill.

(d) Immediately discard porous materials that have come into contact with the blood spill.

(e) Immediately clean surfaces soiled with blood and dispose of all blood-soiled waste in compliance with the current standards established by the Michigan Occupational Safety and Health Administration.

(2) A licensee, student, apprentice, or instructor shall not perform services or demonstrations until all bleeding has ceased and all wounds have been covered. A licensee, student, apprentice, or instructor shall keep an open sore, cut, burn, or other injury on patrons or on themselves covered at all times when performing a service or demonstration.

PART 4. BARBER COLLEGES AND APPRENTICESHIP PROGRAMS

R 339.6040 Rescinded.

R 339.6041 Construction standards and required equipment for barber college.

Rule 41. (1) The owner of a barber college shall ensure that the barber college complies with the requirements of subrules (2) to (5) of this rule.

(2) A barber college shall provide for all of the following:

(a) A classroom with adequate space and sufficient number of desk chairs for each student in attendance.

(b) A practical training room.

(c) A separate student locker area.

(d) Adequate toilet facilities to meet the needs of the number of enrolled students.

(3) A practical training room must be equipped with all of the following:

(a) Sufficient practical training stations so that students are not required to share a station during practical training periods.

(b) Tile, first-grade linoleum, or nonporous floor covering.

(c) Ample lamps and vibrators to give demonstrations in scientific treatment as provided in the curriculum.

(d) Ample supplies of steamers, sources of lather, and clean towels provided by the college for the proper performance of services by each student.

(4) A practical training station must be equipped with all of the following:

(a) A barber chair that is in mechanical working order, easily cleaned, and not less than 6 feet from the next chair, when measured from the center of one chair base to the center of the next chair base.

(b) One storage cabinet for tools, clean towels, and hair cloths.

(c) One electric sterilizer.

(d) One approved soiled towel container with a hinged lid or door.

(e) One complete set of the customary barber tools.

(5) A barber college shall indicate to the public that it is a barber college by a sign, with letters that are not less than 6 inches in height, that includes the words "barber school" or "barber college." A sign must be displayed indicating that the work performed in the barber college is primarily performed by students.

R 339.6042 Barber college or barbershop owner's duty concerning program requirements; barber college and apprenticeship program requirements.

Rule 42. (1) The owner of a barber college or a barbershop conducting an apprenticeship program shall ensure that the barber college or barbershop complies with the requirements of subrules (2) to (7) of this rule.

(2) A barber college shall display all licenses as required under section 1110(8) of the code, MCL 339.1110.

(3) A barbershop conducting an apprenticeship program shall display the apprentice registration permit in a prominent place on the premises that is visible to the public at all times.

(4) A barbershop conducting an apprenticeship program shall ensure that all the apprentice's training is performed by an individual who holds an active barber license issued by this state.

(5) A barber college may transfer credit of hours a student had previously earned in a barber college toward the completion of a curriculum under R 339.6047, if the barber college determines that the previously earned hours are substantially similar to the hours required under the applicable curriculum. If a barber college allows a student to substitute substantially similar hours earned in another barber college, it shall include in the student's records the number of substantially similar theory and practical hours it has allowed the student to substitute.

(6) A barbershop conducting an apprenticeship program may grant credit for hours an apprentice has earned in another apprenticeship program toward the completion of a curriculum under R 339.6047, if the new apprenticeship program determines that the previously earned hours are substantially similar to the hours required under the applicable curriculum. If a barbershop conducting an apprenticeship program allows an apprentice to substitute substantially similar hours earned in another apprenticeship program, it shall include in the apprentice's records the number of substantially similar theory and practical hours it has allowed the apprentice to substitute.

(7) A barber college shall not transfer credit of hours that were earned in an apprenticeship program toward the completion of the student's school curriculum. An apprenticeship program shall not transfer credit of hours that were earned as a student toward the completion of an apprenticeship program.

R 339.6044 Substitution of hours for credits earned in Michigan-licensed cosmetology school; substantially similar criteria and determination; notice to department.

Rule 44. (1) Under 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 completed at a Michigan-licensed cosmetology school for hours of instruction required by the barber college.

(2) In determining if an hour of instruction completed at 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 a barber college program.

(4) Until January 1, 2024, the barber college shall notify the department of the number of substantially similar hours it allowed the student to substitute in the student's barber college curriculum.

R 339.6045 Distance education requirements.

Rule 45. (1) As used in this rule, "distance education" means education that uses technology to deliver instruction to a student who is physically separated from the instructor while allowing live interaction between the student and the instructor.

(2) Distance education is allowed in the delivery of theory hours of the curriculum if all of the following are satisfied:

(a) The instructor has been trained in the use of the modality and technology resources used in distance education.

(b) The technology and practices are in place to verify the identity of the distance education student who participates, while protecting student privacy.

(c) The student has been provided with written information that clearly describes the distance education technology requirements to successfully complete the course.

(3) A barber college offering distance education under subrule (2) of this rule shall have a policy in place that it provides to each student that includes all of the following clear statements:

(a) All practical hours in the curriculum must be done in-person.

(b) The student's interaction with the instructor through distance education must be logged by the instructor.

(c) An in-person performance evaluation must be completed after each 10% of the distance education component.

(d) The student shall pass a comprehensive theory and practical examination before the student graduates from the program.

(e) The student's transcript and other documents must identify the portion of the curriculum that was delivered through distance education.

(4) Before a student enrolls in the barber college, the barber college shall provide, and the student shall sign, a disclaimer that advises the student that distance education may not be accepted for reciprocity or licensure in some states. The barber college shall maintain a copy of the signed waiver in the student's record.

R 339.6047 Barber college and apprenticeship; curriculum requirements.

Rule 47. (1) A barber college and apprenticeship program shall follow a curriculum of instruction in barbering as shown under table 47.

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, including and work stations. (ii) Infection control and diseases of hair, scalp, skin, nails, and glands. (iii) Implements, including sanitation, maintenance, and care. (iv) Laws and rules governing safety and sanitation.	60	50
(c) Client services: (i) Composition, structure, and function of skin, hair, head, face, and neck.	30	These activities must be performed as

(ii) Analysis of bone structure, skin, and hair. (iii) Determination of services desired by client. (iv) Examination of client, including identification of potential disorders and diseases of the head, neck, and face and recommendation of appropriate follow up for medical evaluation. (v) Recommendation of services and follow-up maintenance.		part of the activities specified in sub- divisions (d), (e), and (f) of this subrule.
(d) Haircut and shave: (i) Hair cutting. (ii) Hair styling. (iii) Shaving, including the use of a clipper and a straight razor. (iv) 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) Additional services: (i) Skin care, including facials, massage, and therapy. (ii) Hair and scalp treatments, including preparations, massage, and therapy. (iii) Selling and servicing hairpieces. (iv) Eyebrow razor shaping.	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

(2) 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.

R 339.6049 Student or apprentice records.

Rule 49. (1) A barber college and a barbershop conducting an apprenticeship program shall maintain records of each student or apprentice for not less than 7 years after the student's or apprentice's last date of attendance. A barber college's or barbershop's apprenticeship program's records must be available to the department upon request. The records must contain all of the following information:

- (a) A daily attendance record.
 - (b) A record of the types of services and practical applications performed by the student or apprentice.
 - (c) The date of the student's enrollment or the date the apprentice began participation in the program.
 - (d) A copy of the student's or apprentice's contract.
 - (e) The student's final grades or the apprentice's evaluation and progress records.
 - (f) The student's graduation date or the date that the student withdrew from the barber college, or the apprentice's proposed completion date, actual completion date, the date when the apprentice withdrew from the apprenticeship program, or the termination date.
- (2) A barber college and a barbershop's apprenticeship program shall create and maintain a monthly record for each student or apprentice. The record must include the student's or apprentice's name and the number of credit hours that the student or apprentice accumulated that month and the total credit hours that the student or apprentice has earned to date. A barber college shall submit a copy of the monthly record to the department on or before the tenth day of the following month for all months through December 2023. Beginning with the monthly record for January 2024, a barber college shall discontinue submitting a copy of the monthly record to the department. A barbershop conducting an apprenticeship program shall not submit a copy of the monthly record to the department, unless requested by the department to do so.

FILED WITH SECRETARY OF STATE

ON 10/2/23 AT 11:57 A.M.