

Act No. 27
Public Acts of 2020
Approved by the Governor
February 4, 2020
Filed with the Secretary of State
February 4, 2020
EFFECTIVE DATE: May 4, 2020

**STATE OF MICHIGAN
100TH LEGISLATURE
REGULAR SESSION OF 2020**

Introduced by Reps. Yaroch and Marino

ENROLLED HOUSE BILL No. 4335

AN ACT to amend 1980 PA 299, entitled “An act to revise, consolidate, and classify the laws of this state regarding the regulation of certain occupations and to regulate certain persons and activities relative to those occupations; to create a board for each of those occupations; to establish the powers and duties of certain departments and agencies and the boards of each occupation; to provide for the promulgation of rules; to provide for certain fees; to provide for penalties and civil fines; to establish rights, relationships, and remedies of certain persons under certain circumstances; to provide immunity from certain civil liability for certain entities and certain related occupations under certain circumstances; to repeal certain parts of this act on a specific date; and to repeal certain acts and parts of acts,” by amending sections 1110 and 1205 (MCL 339.1110 and 339.1205), section 1110 as amended by 2014 PA 137 and section 1205 as amended by 1997 PA 97.

The People of the State of Michigan enact:

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

- (a) Through its owners or managers, has applied to the department for a license.
 - (b) Subject to subsection (6), provides an educational program that requires completion of 225 hours of classroom study, demonstrations, and recitations and 1,575 hours of practical barber training.
 - (c) Meets the sanitation standards required of barbershops as set forth in rules promulgated by the board and determined by inspection by the department.
 - (d) Files and maintains a corporate surety or cash bond of \$10,000.00 conditioned on the faithful performance and satisfaction of the contractual rights of students enrolled in the barber college.
 - (e) Employs or contracts with not fewer than 2 full-time, licensed instructors and ensures that both of the following are met:
 - (i) At any time classroom study or theory training is given to any number of students, at least 1 instructor is present.
 - (ii) If practical training occurs, there is at least 1 instructor present for every 30 students at all times.
 - (f) Except as provided in subsection (7), is completely partitioned from any other place of business or dwelling. Except as provided in subsection (7), a person shall not conduct any other business from a barber college than the rendering of barber services and the teaching of barbering, although a barber college may sell at retail to patrons those preparations used on patrons who are receiving barbering services from students.
 - (g) Provides reasonable classroom facilities and other equipment for the proper instruction of students described in this subdivision and rules promulgated by the board, including 1 stationary wash basin with hot and cold running water and a connected drain for every 2 barber chairs. A barber college shall arrange its enrollment and course scheduling so that students are not required to share the use of a training station during any practical training period.
- (2) Except as provided in this subsection, a student instructor may not instruct without a supervising

instructor present in the room. In case of emergency, a student instructor may instruct up to 30 students, but the barber college shall provide notice of the emergency to the department in writing and ensure that an instructor is on the premises at all times. Use of a student instructor as a substitute instructor under this subsection shall not continue for more than 7 consecutive days without written approval of the department certifying the emergency circumstances.

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

(4) The classroom courses of a barber college shall include at least all of the following: scientific fundamentals for barbering; hygiene; bacteriology; histology of hair, skin, and nails; structure of the head, face, and neck, including muscles and nerves; elementary chemistry relating to sterilization and antiseptics; diseases of the skin, hair, glands, and nails; massaging and manipulating the head, face, and neck; haircutting and shaving; cosmetic therapy; arranging, styling, dressing, coloring, bleaching, curling, permanent waving, and tinting of the hair; elements of business training; and barber laws and rules of the state.

(5) The department by rule shall prescribe the number of hours of instruction a barber college is required to provide for each subject set forth in subsection (4). Each barber college shall provide a written copy of the rules to each student at the beginning of his or her instruction.

(6) For the purposes of subsection (1)(b) and section 1108(1)(c), if a student of a barber college is licensed as a cosmetologist under article 12, the barber college may allow the student to substitute hours of instruction completed at a state school of cosmetology for hours of instruction that are substantially similar in content to hours of instruction at the barber college. However, a barber college shall not allow a student to substitute more than 1,000 hours of substantially similar instruction from a state school of cosmetology for hours of instruction at the barber college under this subsection. The department by rule shall establish 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. As used in this subsection and subsection (7), "state school of cosmetology" means a school of cosmetology that is licensed under article 12.

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

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

Sec. 1205. (1) The department shall issue a license to a person to operate a school of cosmetology, at the premises specified in the license application, if all of the following requirements are met:

(a) An application is submitted to the department by the owner or manager of the school.

(b) The application includes the address of the premises of the school and, except as provided in subsection (7), a drawing or diagram of the premises that shows that the premises are fully partitioned from any other activity, business, or dwelling. The drawing or diagram must also indicate the location of required equipment and facilities.

(c) The applicant has filed a cash or surety bond of \$10,000.00 with the department, in favor of the people of this state for the use and benefit of students, and conditioned on the faithful performance and satisfaction of the contractual rights of students.

(d) Provisions have been made for the daily supervision of the school by a licensed cosmetology instructor who has at least 3 years' experience in all services of cosmetology that are taught in the school.

(e) The school and its premises have successfully passed an inspection by the department conducted for the purpose of determining whether the school and premises meet the standards set forth in this article and rules promulgated by the director.

(2) A school of cosmetology shall meet all of the following requirements:

(a) Subject to subsection (6), maintain a course of practical training and technical instruction, as outlined in the various curricula set forth in rules promulgated by the director, equal to the requirements for prelicensure training under this article. A school of cosmetology shall teach hair care services, skin care services, and manicuring services and may hold a limited license for the teaching of electrology. If the owner of a school of cosmetology holds a license that limits the school to only the teaching of electrology, the school shall teach only electrology and not any other cosmetology service.

(b) Possess efficient apparatus and equipment prescribed in rules promulgated by the director that are sufficient for the ready and full teaching of each subject in the curriculum.

(c) Employ or engage at least 1 licensed instructor, who is competent to provide instruction in each subject of its curriculum, for every 20 students.

(d) Operate for teaching purposes only.

(e) Allow instructors to practice on the public only to demonstrate techniques to students and to correct the work of students.

(f) If a specialist demonstrator gives a classroom demonstration, ensure that a licensed instructor supervises the demonstration.

(g) The premises of the school are completely separated by full partitions and doors from any other activity, business, or dwelling.

(h) Display its license for the school of cosmetology and the license of each instructor who works in the school in a prominent place in the school that is visible to the public at all times.

(i) Display a sign in the school that states that services are performed by students of the school.

(j) At the time he or she enrolls in the school, provide to each student a financial contract that states the total cost and all charges involved in the complete course of study.

(k) In any advertising materials distributed or published by the school that refer to the cost of tuition or related subjects, include the same financial information described in subdivision (j).

(3) The owner of a school of cosmetology shall ensure that the school meets the requirements of subsection (2).

(4) The department may issue a limited school of cosmetology license to the owner of a school that teaches only electrology. A school of cosmetology that is authorized to teach only electrology shall meet all of the requirements of this section, except that only an instructor who is authorized to perform electrology may provide the daily supervision of the school that is required under subsection (1)(d), and the curriculum offered and equipment and facilities required shall be only those required for the teaching of electrology.

(5) An owner's school of cosmetology license is considered void if there is a sale or other transfer of the school, a sale or other transfer of ownership, or a change in the location of the school. A person whose license is void under this subsection must submit a new license application and obtain a new license to continue to operate a school of cosmetology.

(6) For the purposes of subsection (2)(a) and section 1207(d), if a student of a school of cosmetology is licensed as a barber under article 11, the school of cosmetology may allow the student to substitute hours of instruction completed at a state barber college for hours of instruction that are substantially similar in content to hours of instruction at the school of cosmetology. However, a school of cosmetology shall not allow a student to substitute more than 1,000 hours of substantially similar instruction from a state barber college for hours of instruction at the school of cosmetology under this subsection. The department by rule shall establish criteria for determining whether an hour of instruction at a state barber college is substantially similar to an hour of instruction at a school of cosmetology. As used in this subsection and subsection (7), "state barber college" means a barber college that is licensed under article 11.

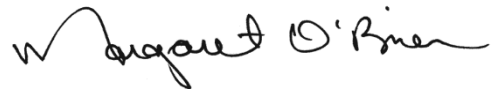
(7) A school of cosmetology and a state barber college may occupy the same building and share facilities.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved _____

Governor