

HOUSE BILL No. 4985

September 15, 2011, Introduced by Reps. Durhal, Liss, Haugh, Slavens, Lane, Smiley, Olumba, Stallworth, Tlaib, Segal, Hammel, Womack, Talabi, Santana and Jackson and referred to the Committee on Regulatory Reform.

A bill to amend 1980 PA 299, entitled "Occupational code," by amending sections 1101, 1111, 1112, and 1117 (MCL 339.1101, 339.1111, 339.1112, and 339.1117), sections 1101 and 1112 as amended by 1984 PA 25, section 1111 as amended by 1988 PA 463, and section 1117 as amended by 2003 PA 207.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1101. As used in this article:

2 (a) "Barber" means a person who shaves or trims the beard of a
3 ~~person~~**AN INDIVIDUAL**; cuts, trims, shampoos, relaxes, curls,
4 permanently waves, dresses, tints, bleaches, colors, arranges, or
5 styles the hair of a ~~person~~**AN INDIVIDUAL**; massages the face and
6 head of a ~~person~~**AN INDIVIDUAL**; or renders personal services of a
7 similar nature customarily done by a barber.

8 (b) "Barber college" means an establishment ~~which~~**THAT** renders

1 for compensation the services of a barber, but ~~having for~~ **HAS AS**
 2 its primary purpose the teaching for compensation of the theory and
 3 practice of serving as a barber.

4 (c) "Barbershop" means a place, establishment, or premises or
 5 part of a premises where ~~a person performs as a barber~~ **1 OR MORE**
 6 **INDIVIDUALS PERFORM AS BARBERS. BARBERSHOP INCLUDES A MOBILE**
 7 **BARBERSHOP.**

8 (d) "Demonstration" means a show, seminar, or contest in which
 9 barber services are rendered for the purpose of educating barbers.

10 (e) "Demonstrator" means ~~a person~~ **AN INDIVIDUAL** who performs a
 11 service of a barber at a demonstration.

12 (f) "Immediate family" means ~~persons~~ **INDIVIDUALS** residing
 13 together who are related by birth, marriage, or adoption.

14 (g) "Instructor" means ~~a person~~ **AN INDIVIDUAL** who instructs
 15 another in the theory and practice of serving as a barber.

16 **(H) "MOBILE BARBERSHOP" MEANS A BARBERSHOP LOCATED ON OR**
 17 **WITHIN A MOTOR VEHICLE OR MOTOR HOME.**

18 **(I) ~~(h)~~"Student" means a person** **AN INDIVIDUAL** learning the
 19 theory and practice of serving as a barber.

20 **(J) ~~(i)~~"Student instructor" means a person** **AN INDIVIDUAL**
 21 learning the theory and practice of teaching barbering.

22 Sec. 1111. (1) The department shall issue a license to a
 23 barbershop ~~which~~ **THAT** fulfills all of the following requirements:

24 (a) Has made, through its owner, application to the
 25 department. The application shall include a description of the
 26 premises for which licensure is sought.

27 (b) Has satisfactorily passed an inspection to determine that

1 the barbershop has met sanitation and establishment standards
2 prescribed in rules promulgated under this article.

3 (2) ~~A~~**SUBJECT TO SUBSECTION (5), A** barbershop shall be
4 completely partitioned from a dwelling and shall not be occupied
5 for lodging or residential purposes.

6 (3) The transfer of ownership or location of a **NONMOBILE**
7 barbershop shall automatically revoke its license. ~~A~~**THE DEPARTMENT**
8 **SHALL NOT GRANT A** new license ~~shall not be granted~~ to a new owner
9 or at a new location unless the requirements of subsection (1) ~~have~~
10 ~~been~~**ARE** fulfilled.

11 (4) The licenses of ~~the~~**A** barbershop and all barbers working
12 in the barbershop shall be displayed in a prominent place visible
13 to the public at all times. The license of an individual barber may
14 be posted at the barber's work station.

15 (5) **THE DEPARTMENT SHALL ISSUE A MOBILE BARBERSHOP PERMIT TO**
16 **AN APPLICANT THAT SUBMITS A COMPLETED APPLICATION FOR A BARBERSHOP**
17 **LICENSE OR TO AN APPLICANT THAT CURRENTLY HOLDS A LICENSE FOR A**
18 **BARBERSHOP. THE DEPARTMENT SHALL NOT ISSUE A MOBILE BARBERSHOP**
19 **PERMIT TO A PERSON THAT DOES NOT APPLY FOR OR HOLD A BARBERSHOP**
20 **LICENSE. AN APPLICANT SHALL SUBMIT DOCUMENTATION ACCEPTABLE TO THE**
21 **DEPARTMENT THAT DEMONSTRATES COMPLIANCE WITH THE STANDARDS ADOPTED**
22 **BY THE DEPARTMENT IN RULES PROMULGATED PURSUANT TO SECTION 1112.**
23 **THE DEPARTMENT IS NOT REQUIRED TO ISSUE ANY PERMITS UNDER THIS**
24 **SUBSECTION UNTIL THE EXPIRATION OF 120 DAYS AFTER THE RULES**
25 **PROMULGATED UNDER SECTION 1112(2) ARE FILED WITH THE SECRETARY OF**
26 **STATE.**

27 Sec. 1112. (1) The board shall promulgate rules setting forth

1 standards for sanitation in barbershops and barber colleges.

2 (2) THE DEPARTMENT SHALL PROMULGATE RULES SETTING STANDARDS
3 FOR THE OPERATION OF MOBILE BARBERSHOPS. THE RULES SHALL PROVIDE
4 STANDARDS THAT ARE AS STRINGENT AS THOSE APPLICABLE TO NONMOBILE
5 BARBERSHOPS REGARDING THE PROTECTION OF THE PUBLIC HEALTH AND MAY
6 INCLUDE REASONABLE PROVISIONS FOR THE IMPLEMENTATION AND
7 ADMINISTRATION OF THE MOBILE BARBERSHOP PERMIT.

8 Sec. 1117. (1) Except as otherwise provided in this section
9 AND SECTION 1111(5), AN INDIVIDUAL MAY PROVIDE barber services
10 ~~shall only be rendered~~ in premises licensed by the department under
11 this article.

12 (2) A barber may render services outside of a barbershop to a
13 patient in a hospital, nursing home, home for the aged, or similar
14 facility or to ~~a person~~ AN INDIVIDUAL in ~~the person's~~ HIS OR HER
15 home if it is impractical or unsafe for the patient or ~~person~~
16 INDIVIDUAL to travel due to frailty, age, injury, or illness.

17 (3) ~~(2)~~ The department may issue a demonstration permit, valid
18 for not longer than 1 year, to allow demonstrations on premises
19 THAT ARE not in use as a barbershop. The holder of a demonstration
20 permit shall maintain health, safety, and sanitation standards as
21 set forth in rules authorized under this article. The department
22 may issue a demonstrator permit, valid for no longer than 1 week,
23 to ~~a person~~ AN INDIVIDUAL WHO IS not licensed in this state to
24 perform barbering services solely for the purposes of
25 demonstration, provided that the demonstrator is ~~duly~~ LICENSED OR
26 OTHERWISE authorized to perform barbering services under the laws
27 of another state, jurisdiction, or country.

1 Enacting section 1. This amendatory act does not take effect
2 unless Senate Bill No.____ or House Bill No.____ (request no.
3 01258'10 a) of the 96th Legislature is enacted into law.