



Senate Fiscal Agency
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BILL



ANALYSIS

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Senate Bill 797 (as enrolled)
 Sponsor: Senator Philip E. Hoffman
 Committee: Economic Development, International Trade and Regulatory Affairs

Date Completed: 2-23-96

RATIONALE

Public Act 148 of 1893 prohibits the opening and operation of barber shops on Sunday. Specifically, the Act prohibits a person from carrying on or engaging in the art or calling of hair cutting, shaving, hair dressing, and shampooing, or in any work pertaining to the trade or business of a barber on Sunday. Further, the Act prohibits a person from opening his or her shop or place of business to provide barbering services on Sunday. Currently, a violation of the prohibitions is punishable by a fine of at least \$10 but not more than \$25, a jail sentence of up to 30 days, or both. The Act, however, does exempt persons who are providing barbering services to a deceased person on Sunday and persons who conscientiously believe that the seventh day of the week should be observed as the Sabbath and who actually refrain from secular business on that day.

The Act, which apparently has not been amended since 1893, has been cited by some as being unfair since it does not affect cosmetology establishments that offer many of the same types of services that barbers offer. Moreover, they claim that it is out-of-date in an age that encourages the market to govern business practices, and unnecessary since it apparently is not enforced anyway.

CONTENT

The bill would repeal Public Act 148 of 1893.

MCL 338.681-338.683

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

The Act is anticompetitive since it does not affect other businesses that are licensed as cosmetology establishments and that offer the same services that barber shops offer. Such cosmetology salons can and do operate on Sundays in many locations, an economic necessity for many small enterprises that are competing with urban and suburban malls for consumer business. Repealing the Act would give barber shops the same opportunity to compete for customers that other types of hair salons now enjoy.

Supporting Argument

The Act inappropriately bases a governmental regulatory function upon religious practices in violation of constitutional principles. Moreover, it is not observed or enforced. Retaining an unenforced, if not unenforceable, law is not in the public interest.

Opposing Argument

Not only should the Act be retained, but it should be expanded to include all barber and cosmetology businesses. Doing so would give operators and stylists a needed rest and would eliminate the current situation that allows unfair competition from cosmetology shops that are permitted to remain open on Sunday.

Legislative Analyst: L. Burghardt

FISCAL IMPACT

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: R. Ross

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.