

HOUSE BILL NO. 255
INTRODUCED BY E. CLARK

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE TYPES OF RESIDENCES IN WHICH DISABLED OR HOMEBOUND CUSTOMERS MAY RECEIVE COSMETOLOGY AND BARBERING SERVICES OUTSIDE OF A SALON OR A SHOP; PROVIDING EXCLUSIONS FROM THE DEFINITION OF "SALON OR SHOP"; AND AMENDING SECTION 37-31-101, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 37-31-101, MCA, is amended to read:

"37-31-101. Definitions. Unless the context requires otherwise, in this chapter, the following definitions apply:

- (1) "Board" means the board of barbers and cosmetologists provided for in 2-15-1747.
- (2) "Booth" means any part of a salon or shop that is rented or leased for the performance of barbering, cosmetology, electrology, esthetics, or manicuring services, as specified in 39-51-204.
- (3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.
- (4) (a) "Electrology" means the study of and the professional practice of permanently removing superfluous hair by destroying the hair roots through passage of an electric current with an electrified needle. Electrology includes electrolysis and thermolysis. Electrology may include the use of waxes for epilation and the use of chemical depilatories.
 - (b) Electrology does not include pilethermology, which is the study and professional practice of removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices.
- (5) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.
- (6) "Esthetics" means skin care of the body, including but not limited to hot compresses or the use of approved electrical appliances or chemical compounds formulated for professional application only and the temporary removal of superfluous hair by means of lotions, creams, or mechanical or electrical apparatus or appliances on another person.
- (7) "Manicuring" includes care of the nails, the hands, the lower arms, the feet, and the lower legs and the application and maintenance of artificial nails.
- (8) "Place of residence" means a home and the following residences defined under 50-5-101:

- (a) an assisted living facility;
- (b) an intermediate care facility for the developmentally disabled;
- (c) a hospice
- (d) a critical access hospital;
- (e) a long-term care facility; or
- (f) a residential treatment facility.

~~(8)~~(9) "Practice or teaching of barbering" means any of the following practices performed for payment, either directly or indirectly, upon the human body for tonsorial purposes and not performed for the treatment of disease or physical or mental ailments:

- (a) shaving or trimming a beard;
- (b) cutting, styling, coloring, or waving hair;
- (c) straightening hair by the use of chemicals;
- (d) giving facial or scalp massages, including treatment with oils, creams, lotions, or other preparations applied by hand or mechanical appliance;
- (e) shampooing hair, applying hair tonic, or bleaching or highlighting hair; or
- (f) applying cosmetic preparations, antiseptics, powders, oils, lotions, or gels to the scalp, face, hands, or neck.

~~(9)~~(10) (a) "Practice or teaching of cosmetology" means work included in the terms "hairdressing", "manicuring", "esthetics", and "beauty culture" and performed in salons or shops, in booths, or by itinerant cosmetologists when the work is done for the embellishment, cleanliness, and beautification of the hair and body.

(b) The practice and teaching of cosmetology may not be construed to include itinerant cosmetologists who perform their services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state of Montana as a store or place of business.

~~(10)~~(11) (a) "Salon or shop" means the physical location in which a person licensed under this chapter practices barbering, cosmetology, electrology, esthetics, or manicuring.

(b) The term does not include a room provided in a place of residence that is used for the purposes of barbering, cosmetology, electrology, esthetics, or manicuring unless the owner, manager, or operator allows the room to be used for the practice of barbering or the practice of cosmetology to serve nonresidents for compensation, in which case the room must be licensed as a salon or a shop.

~~(11)~~(12) "School" means a program and location approved by the board with respect to its course of instruction for training persons in barbering, cosmetology, electrology, esthetics, or manicuring and that meets

any other criteria established by the board."

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