

SENATE BILL NO. 343

INTRODUCED BY E. ARNTZEN

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4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO THE BOARD OF
5 BARBERS AND COSMETOLOGISTS; EXPANDING THE NUMBER OF APPOINTEES TO THE BOARD OF
6 BARBERS AND COSMETOLOGISTS WHO ARE AFFILIATED WITH SCHOOLS; DIRECTING THE
7 DEPARTMENT AND STAFF TO WORK WITH THE BOARD TO ADDRESS GUIDELINES AND
8 ACCREDITATION STANDARDS FROM VARIOUS ENTITIES; PROVIDING AUTHORITY TO THE BOARD TO
9 MAKE RECOMMENDATIONS ON CONTINUING EDUCATION; ALLOWING SCHOOL OWNERS TO
10 STIPULATE WHAT CONSTITUTES CONTINUING EDUCATION REQUIREMENTS OF INSTRUCTORS;
11 EXTENDING RULEMAKING AUTHORITY; PROVIDING 3 YEARS OF EXPERIENCE AS AN ALTERNATE
12 INSTRUCTOR QUALIFICATION; REQUIRING 650 HOURS OF INSTRUCTION IN THE PRACTICE OF
13 MANICURING; AND AMENDING SECTIONS 2-15-1747, 37-31-203, 37-31-305, AND 37-31-311, MCA."

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

16
17 **Section 1.** Section 2-15-1747, MCA, is amended to read:

18 **"2-15-1747. Board of barbers and cosmetologists.** (1) There is a board of barbers and
19 cosmetologists.

20 (2) The board consists of nine members appointed by the governor with the consent of the senate and
21 must include:

22 (a) three licensed cosmetologists each of whom has been a resident of this state for a least 5 years and
23 has been actively engaged in the profession of cosmetology for at least 5 years immediately prior to being
24 appointed to the board;

25 (b) one member who has been a resident of this state for at least 5 years and has been actively engaged
26 as a licensed electrologist, esthetician, or manicurist for at least 5 years immediately prior to being appointed to
27 the board;

28 (c) three licensed barbers each of whom has been a resident of this state for at least 5 years and has
29 been actively engaged in the profession of barbering for at least 5 years immediately prior to appointment to the
30 board; and



1 (d) two members of the public who are not engaged in the practice of barbering, cosmetology,
2 electrology, esthetics, or manicuring.

3 (3) Not more than ~~two~~ three members of the board may be members of or affiliated with a school, and
4 no more than two members may be members of or affiliated with the same school.

5 (4) (a) If there is not a licensed barber qualified and willing to serve on the board in one of the three
6 barber positions, the governor may appoint a cosmetologist, electrologist, esthetician, or manicurist otherwise
7 qualified under this section to fill the position.

8 (b) If there is not a licensed cosmetologist qualified and willing to serve on the board in one of the three
9 cosmetologist positions, the governor may appoint a barber, electrologist, esthetician, or manicurist otherwise
10 qualified under this section to fill the position.

11 (5) Each member shall serve for a term of 5 years. The terms must be staggered.

12 (6) Professional associations may submit to the governor a list of names for each position under
13 subsection (2) from which the appointments may be made.

14 ~~(6)(7)~~ The board is allocated to the department for administrative purposes only as prescribed in
15 2-15-121."

16

17 **Section 2.** Section 37-31-203, MCA, is amended to read:

18 **"37-31-203. Rulemaking powers. (1)** The board shall prescribe rules for:

19 ~~(1)(a)~~ the conduct of board business;

20 ~~(2)(b)~~ the qualification and licensure of applicants to practice barbering, cosmetology, electrology,
21 esthetics, or manicuring or to teach barbering, cosmetology, electrology, esthetics, or manicuring;

22 ~~(3)(c)~~ the regulation and instruction of apprentices and students;

23 ~~(4)(d)~~ the conduct of schools of barbering, cosmetology, electrology, esthetics, and manicuring for
24 apprentices and students;

25 ~~(5)(e)~~ the qualification and licensure of applicants for booth rental licenses; ~~and~~

26 ~~(6)(f)~~ generally the conduct of the persons, firms, or corporations affected by this chapter; and

27 (g) continuing education requirements for individuals licensed under this chapter.

28 (2) For rules adopted pursuant to subsection (1)(g) regarding continuing education requirements for
29 instructors, the board shall allow schools to stipulate what constitutes continuing education for its instructors. At
30 least 50% of the continuing education for instructors must be related to coursework in the practice of barbering,

1 cosmetology, electrology, esthetics, or manicuring, as applicable. Continuing education may encompass other
 2 subjects related to improving general educational and instructional skills.

3 (3) In adopting rules under this section, the department and department staff shall cooperate in good faith
 4 with the board to research and incorporate or address accrediting requirements and guidelines issued by the
 5 United States department of education or accrediting entities that issue guidelines or exercise jurisdiction over
 6 schools of barbering, cosmetology, electrology, esthetics, or manicuring."

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8 **Section 3.** Section 37-31-305, MCA, is amended to read:

9 **"37-31-305. Qualifications of applicants for license to teach.** (1) Before a person may teach or
 10 instruct in a school of barbering, cosmetology, electrology, esthetics, or manicuring, the person shall obtain from
 11 the department a license to teach.

12 (2) To be eligible for a license to teach barbering, cosmetology, electrology, esthetics, or manicuring,
 13 a person must:

14 (a) be a graduate of high school or possess an equivalent of a high school diploma that is recognized
 15 by the superintendent of public instruction;

16 (b) have a license to practice issued by the department in the particular area of practice in which the
 17 person plans to teach;

18 (c) have been actively engaged in that particular area of practice for 12 continuous months before taking
 19 the teacher's examination; and

20 (d) have received a diploma from a licensed school approved by the board, certifying satisfactory
 21 completion of 650 hours of student teacher training or have 3 years of experience in that particular area of
 22 practice."

23

24 **Section 4.** Section 37-31-311, MCA, is amended to read:

25 **"37-31-311. Schools -- license -- requirements -- bond -- curriculum.** (1) A person, firm, partnership,
 26 corporation, or other legal entity may not operate a school for the purpose of teaching barbering, cosmetology,
 27 electrology, esthetics, or manicuring for compensation unless licensed by the department. Application for the
 28 license must be filed with the department on an approved form.

29 (2) A school for teaching barbering may not be granted a license unless the school ~~complies with or is~~
 30 ~~able to comply with the following requirements:~~

1 (a) It has in its employ either a licensed teacher who is at all times involved in the immediate supervision
2 of the work of the school or other teachers determined by the board to be necessary for the proper conduct of
3 the school. There may not be more than 25 students for each teacher.

4 (b) It possesses apparatus and equipment the board determines necessary for the teaching of all
5 subjects or practices of barbering;

6 (c) It maintains a school term of not less than 1,500 hours and a course of practical training and technical
7 instruction equal to the requirements for board examinations. The school's course of training and technical
8 instruction must be prescribed by the board after taking into account recommendations, if any, from professional
9 associations representing schools of barbering.

10 (d) It keeps a daily record of the attendance of each student, establishes grades, and holds examinations
11 before issuing diplomas; and

12 (e) It does not permit a person to sleep in or use for residential purposes or for any other purpose that
13 would make the room unsanitary a room used wholly or in part for a school of barbering.

14 (3) A school for teaching cosmetology may not be granted a license unless the school ~~complies with or~~
15 ~~is able to comply with the following requirements:~~

16 (a) It has in its employ either a licensed teacher who is at all times involved in the immediate supervision
17 of the work of the school or other teachers determined by the board to be necessary for the proper conduct of
18 the school. There may not be more than 25 students for each teacher.

19 (b) It possesses apparatus and equipment the board determines necessary for the teaching of all
20 subjects or practices of cosmetology;

21 (c) It maintains a school term of not less than 2,000 hours and a course of practical training and technical
22 instruction equal to the requirements for board examinations. The school's course of training and technical
23 instruction must be prescribed by the board after taking into account recommendations, if any, from professional
24 associations representing schools of cosmetology.

25 (d) It keeps a daily record of the attendance of each student, establishes grades, and holds examinations
26 before issuing diplomas; and

27 (e) It does not permit a person to sleep in or use for residential purposes or for any other purpose that
28 would make the room unsanitary a room used wholly or in part for a school of cosmetology.

29 (4) A school for teaching electrology may not be granted a license unless the school maintains a school
30 term and a course of practical training and technical instruction prescribed by the board; after taking into account

1 recommendations, if any, from professional associations representing schools for teaching electrology and
 2 possesses apparatus and equipment necessary for teaching electrology as prescribed by the board.

3 (5) A school for teaching manicuring may not be granted a license unless the school complies with
 4 subsections (3)(a) and (3)(d) and ~~the following requirements:~~

5 (a) ~~It~~ possesses apparatus and equipment the board determines necessary for the teaching of all
 6 subjects or practices of manicuring;

7 (b) ~~It~~ maintains a school term and a course of practical training and technical instruction as prescribed
 8 by the board;

9 (c) ~~It~~ does not permit a person to sleep in or use for residential purposes or for any other purpose that
 10 would make the room unsanitary a room used wholly or in part for a school of manicuring; and

11 (d) requires not less than 650 hours of practical training and technical instruction in the practice of
 12 manicuring.

13 (6) A school for teaching esthetics may not be granted a license unless the school complies with
 14 subsections (3)(a) and (3)(d) and ~~the following requirements:~~

15 (a) ~~It~~ possesses apparatus and equipment the board determines necessary for the ~~ready and full~~
 16 teaching of all subjects or practices of esthetics;

17 (b) ~~It~~ maintains a school term and a course consisting of not less than 650 hours of practical training and
 18 technical instruction as prescribed by the board: after taking into account recommendations, if any, from
 19 professional associations representing schools for teaching esthetics; and

20 (c) ~~It~~ does not permit a person to sleep in or use for residential purposes or for any other purpose that
 21 would make the room unsanitary a room used wholly or in part for a school of esthetics.

22 (7) Licenses for schools of barbering, cosmetology, electrology, esthetics, or manicuring may be refused,
 23 revoked, or suspended as provided in 37-31-331.

24 (8) A teacher or student teacher may not be permitted to practice barbering, cosmetology, electrology,
 25 esthetics, or manicuring on the public in a school of barbering, cosmetology, electrology, esthetics, or manicuring.
 26 A school that enrolls student teachers for a course of student teacher training may not have, at any one time,
 27 more than one student teacher for each full-time licensed teacher actively engaged at the school. The student
 28 teachers may not substitute for full-time teachers.

29 (9) The board may make further rules necessary for the proper conduct of schools of barbering,
 30 cosmetology, electrology, esthetics, and manicuring.

1 (10) The board shall require the person, firm, partnership, corporation, or other legal entity operating a
2 school of barbering, cosmetology, electrology, esthetics, or manicuring to furnish a bond or other security in the
3 amount of \$5,000 and in a form and manner prescribed by the board.

4 (11) A professional salon or shop may not be operated in connection with a school of barbering,
5 cosmetology, electrology, esthetics, or manicuring.

6 (12) The board may, by rule, establish a suitable curriculum for teachers' training in licensed schools of
7 barbering, cosmetology, electrology, esthetics, or manicuring after taking into account recommendations from
8 professional associations representing schools for teaching barbering, cosmetology, electrology, esthetics, or
9 manicuring."

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