

1 SENATE BILL NO. 343

2 INTRODUCED BY E. ARNTZEN

3
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~~ REQUIRING TWO APPOINTEES TO
6 THE BOARD OF BARBERS AND COSMETOLOGISTS ~~WHO ARE TO BE~~ AFFILIATED WITH SCHOOLS;
7 ~~DIRECTING THE 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~~, AND 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 TWO~~ members of the board ~~may~~ MUST be members of or affiliated with a
4 school, ~~and 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)(6)~~ 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."~~

7

8 **Section 2.** 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) (i) have received a diploma from a licensed school approved by the board, certifying satisfactory
21 completion of 650 hours of student teacher training; or

22 (ii) have 3 years of experience in that particular area of practice. A PERSON WHO QUALIFIES FOR A LICENSE
23 UNDER THIS SUBSECTION (2)(D)(II) HAS 2 YEARS TO COMPLETE BOARD-APPROVED COURSEWORK RELATED TO TEACHING
24 METHODOLOGY BEFORE A LICENSE TO TEACH IS RENEWED."

25

26 ~~———— **Section 4.** Section 37-31-311, MCA, is amended to read:~~

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

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

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

6 ~~————(b) It possesses apparatus and equipment the board determines necessary for the teaching of all~~
7 ~~subjects or practices of barbering.;~~

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

12 ~~————(d) It keeps a daily record of the attendance of each student, establishes grades, and holds examinations~~
13 ~~before issuing diplomas.;~~ and

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

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

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

21 ~~————(b) It possesses apparatus and equipment the board determines necessary for the teaching of all~~
22 ~~subjects or practices of cosmetology.;~~

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

27 ~~————(d) It keeps a daily record of the attendance of each student, establishes grades, and holds examinations~~
28 ~~before issuing diplomas.;~~ and

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

1 ~~——— (4) A school for teaching electrology may not be granted a license unless the school maintains a school~~
2 ~~term and a course of practical training and technical instruction prescribed by the board, after taking into account~~
3 ~~recommendations, if any, from professional associations representing schools for teaching electrology and~~
4 ~~possesses apparatus and equipment necessary for teaching electrology as prescribed by the board.~~

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

7 ~~——— (a) It possesses apparatus and equipment the board determines necessary for the teaching of all~~
8 ~~subjects or practices of manicuring.;~~

9 ~~——— (b) It maintains a school term and a course of practical training and technical instruction as prescribed~~
10 ~~by the board.;~~

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

13 ~~——— (d) requires not less than 650 hours of practical training and technical instruction in the practice of~~
14 ~~manicuring.~~

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

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

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

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

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

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

