

HOUSE BILL NO. 393

INTRODUCED BY D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE CURRICULUM HOURS FOR SCHOOLS OF BARBERING AND COSMETOLOGY; AMENDING SECTIONS 37-31-304 AND 37-31-311, MCA; AND PROVIDING AN EFFECTIVE DATE."

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

Section 1. Section 37-31-304, MCA, is amended to read:

"37-31-304. Qualifications of applicants for license to practice. (1) Before a person may practice:

- (a) barbering, the person shall obtain a license to practice barbering from the department;
- (b) barbering nonchemical, the person shall obtain a license to practice barbering nonchemical from the department;
- (c) cosmetology, the person shall obtain a license to practice cosmetology from the department;
- (d) electrology, the person shall obtain a license to practice electrology from the department;
- (e) manicuring, the person shall obtain a license to practice manicuring from the department unless the person is licensed to practice cosmetology; or
- (f) esthetics, the person shall obtain a license to practice esthetics from the department unless the person is already licensed to practice cosmetology.

(2) (a) (i) To be eligible to take the examination to practice barbering or barbering nonchemical, the applicant must be at least 18 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that is recognized by the superintendent of public instruction. An applicant may apply to the board for an exception to the requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for granting an exception.

(ii) An applicant to practice barbering must have completed a course of study of at least ~~1,500~~ 1,100 hours in a licensed barbering school and must have received a diploma from the barbering school or must have completed the course of study in barbering at a school of cosmetology authorized to offer a course of study in barbering prescribed by the board by rule.

(iii) An applicant to practice barbering nonchemical must have completed a course of study of at least

1 ~~4,000~~ 900 hours in a licensed barbering or barbering nonchemical school, not including hours applicable to the
2 use of chemicals to wave, straighten, color, bleach, or highlight hair, and must have received a diploma from the
3 barbering or barbering nonchemical school or must have completed the course of study in barbering or barbering
4 nonchemical at a school of cosmetology authorized to offer a course of study in barbering or barbering
5 nonchemical as prescribed by the board by rule.

6 (b) A person qualified under subsection (2)(a) shall file an application and deposit the application fee with
7 the department and pass an examination as to fitness to practice barbering or barbering nonchemical.

8 (c) The board shall issue a license to practice barbering or barbering nonchemical, without examination,
9 to a person licensed in another state if the board determines that:

10 (i) the other state's course of study hour requirement is equal to or greater than the hour requirement
11 in this state; and

12 (ii) the person's license from the other state is current and the person is not subject to pending or final
13 disciplinary action for unprofessional conduct or impairment.

14 (3) (a) To be eligible to take the examination to practice cosmetology, the applicant must be at least 18
15 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that
16 is recognized by the superintendent of public instruction. A person may apply to the board for an exception to the
17 educational requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for
18 granting an exception. The applicant must have completed a course of study of at least ~~2,000~~ 1,500 hours in a
19 licensed cosmetology school and must have received a diploma from the cosmetology school or must have
20 completed the course of study in cosmetology prescribed by the board by rule.

21 (b) A person qualified under subsection (3)(a) shall file an application and deposit the required
22 application fee with the department and pass an examination as to fitness to practice cosmetology.

23 (4) (a) To be eligible to take the examination to practice electrology, the applicant must be at least 18
24 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that
25 is recognized by the superintendent of public instruction. An applicant may apply to the board for an exception
26 to the requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for
27 granting an exception. The applicant must have completed a course of education, training, and experience in the
28 field of electrology as prescribed by the board by rule.

29 (b) A person qualified under subsection (4)(a) shall file an application and deposit the required
30 application fee with the department and pass an examination as to fitness to practice electrology.

1 (5) (a) To be eligible to take the examination to practice manicuring, an applicant must be at least 18
2 years of age, must be of good moral character, and must possess a high school diploma or its equivalent that
3 is recognized by the superintendent of public instruction. The applicant must have completed a course of study
4 prescribed by the board in a licensed school of cosmetology or a licensed school of manicuring. A person may
5 apply to the board for an exception to the educational requirement of a high school diploma or its equivalent or
6 a certificate of completion from a vocational-technical program. The board shall adopt by rule procedures for
7 granting an exception.

8 (b) A person qualified under subsection (5)(a) shall file an application and deposit the required
9 application fee with the department and pass an examination as to fitness to practice manicuring.

10 (6) (a) To be eligible to take the examination to practice esthetics, an applicant must be at least 18 years
11 of age, must be of good moral character, and must possess a high school diploma or its equivalent that is
12 recognized by the superintendent of public instruction. The applicant must have completed a course of study
13 prescribed by the board and consisting of not less than 650 hours of training and instruction in a licensed school
14 of cosmetology or a licensed school of esthetics. A person may apply to the board for an exception to the
15 educational requirement of a high school diploma or its equivalent. The board shall adopt by rule procedures for
16 granting an exception.

17 (b) A person qualified under subsection (6)(a) shall file an application and deposit the required
18 application fee with the department and pass an examination as to fitness to practice esthetics."

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20 **Section 2.** Section 37-31-311, MCA, is amended to read:

21 "**37-31-311. Schools -- license -- requirements -- bond -- curriculum.** (1) A person, firm, partnership,
22 corporation, or other legal entity may not operate a school for the purpose of teaching barbering, barbering
23 nonchemical, cosmetology, electrology, esthetics, or manicuring for compensation unless licensed by the
24 department. Application for the license must be filed with the department on an approved form.

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

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

30 (b) It possesses apparatus and equipment the board determines necessary for the teaching of all

1 subjects or practices of barbering or barbering nonchemical.

2 (c) It maintains a school term of not less than ~~1,500~~ 1,100 hours for barbering and not less than ~~1,000~~
3 900 hours for barbering nonchemical and a course of practical training and technical instruction equal to the
4 requirements for board examinations. The school's course of training and technical instruction must be prescribed
5 by the board by rule.

6 (d) It keeps a daily record of the attendance of each student, establishes grades, and holds examinations
7 before issuing diplomas.

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

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

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

16 (b) It possesses apparatus and equipment the board determines necessary for the teaching of all
17 subjects or practices of cosmetology.

18 (c) It maintains a school term of not less than ~~2,000~~ 1,500 hours and a course of practical training and
19 technical instruction equal to the requirements for board examinations. The school's course of training and
20 technical instruction must be prescribed by the board by rule.

21 (d) It keeps a daily record of the attendance of each student, establishes grades, and holds examinations
22 before issuing diplomas.

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

25 (4) A school for teaching electrology may not be granted a license unless the school maintains a school
26 term and a course of practical training and technical instruction prescribed by the board, and possesses
27 apparatus and equipment necessary for teaching electrology as prescribed by the board by rule.

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

30 (a) It possesses apparatus and equipment the board determines necessary for the teaching of all

1 subjects or practices of manicuring.

2 (b) It maintains a school term and a course of practical training and technical instruction as prescribed
3 by the board by rule.

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

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

8 (a) It possesses apparatus and equipment the board determines necessary for the ready and full
9 teaching of all subjects or practices of esthetics.

10 (b) It maintains a school term and a course consisting of not less than 650 hours of practical training and
11 technical instruction as prescribed by the board.

12 (c) 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 esthetics.

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

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

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

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

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

28 (12) The board may, by rule, establish a suitable curriculum for teachers' training in licensed schools of
29 barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring."

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