

HOUSE BILL NO. 720

INTRODUCED BY D. ZOLNIKOV

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A BILL FOR AN ACT ENTITLED: "AN ACT CREATING AN INTERN PERMIT FOR COSMETOLOGISTS; PROVIDING QUALIFICATIONS AND LIMITED PRACTICE CONDITIONS; PROVIDING A FEE; PROVIDING RULEMAKING AUTHORITY; AND AMENDING SECTION 37-31-101, MCA."

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

**NEW SECTION. Section 1. Intern application -- qualifications -- conditions of limited practice. (1)**

An individual may apply to the board to be an intern engaged in the limited practice of cosmetology, as described in subsection (3), and receive a permit to practice as an intern after meeting the qualifications in subsection (2).

(2) An individual is qualified to be an intern after:

- (a) completion of 350 hours of study at a board-approved school;
- (b) completion of an application that lists the name of the supervising cosmetologist, the name of the salon or shop at which the intern will practice, the name of the school at which the intern studied cosmetology, and the number of hours of study completed at the school. The application also must include a written acknowledgment from the supervising cosmetologist accepting the responsibility for mentoring the intern.

(c) payment of the fee set by the board by rule. The fee may not be greater than that charged for the lowest-level license issued by the board.

(3) The limited practice of cosmetology for which an intern may receive compensation under the auspices of a supervising cosmetologist includes:

- (a) styling hair;
- (b) shampooing hair and applying hair products other than chemicals that bleach or highlight hair; and
- (c) giving scalp massages, including treatment with oils, creams, lotions, or other preparations that are applied by hand.

(4) An intern may not practice unless under the auspices of a supervising cosmetologist. If the intern begins practice under a supervising cosmetologist other than the one listed on the original application, the intern shall notify the board of the change and provide a written acknowledgment from the new supervising cosmetologist.



1 (5) A permit may be renewed biennially.

2 (6) An intern is an employee either of the supervising cosmetologist or of the salon or shop at which the  
3 intern is employed.

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5 **Section 2.** Section 37-31-101, MCA, is amended to read:

6 **"37-31-101. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions  
7 apply:

8 (1) "Board" means the board of barbers and cosmetologists provided for in 2-15-1747.

9 (2) "Booth" means any part of a salon or shop that is rented or leased for the performance of barbering,  
10 barbering nonchemical, cosmetology, electrology, esthetics, or manicuring services, as specified in 39-51-204.

11 (3) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

12 (4) (a) "Electrology" means the study of and the professional practice of permanently removing  
13 superfluous hair by destroying the hair roots through passage of an electric current with an electrified needle.  
14 Electrology includes electrolysis and thermolysis. Electrology may include the use of waxes for epilation and the  
15 use of chemical depilatories.

16 (b) Electrology does not include pilethermology, which is the study and professional practice of removing  
17 superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices.

18 (5) "Esthetician" means a person licensed under this chapter to engage in the practice of esthetics.

19 (6) "Esthetics" means skin care of the body, including but not limited to hot compresses or the use of  
20 approved electrical appliances or chemical compounds formulated for professional application only and the  
21 temporary removal of superfluous hair by means of lotions, creams, or mechanical or electrical apparatus or  
22 appliances on another person.

23 (7) "Intern" means an individual who meets the requirements in [section 1], whether within or outside a  
24 board-approved school, and is learning to practice cosmetology or a limited practice of cosmetology under the  
25 auspices of a licensed cosmetologist in a salon or shop licensed under this chapter.

26 ~~(7)~~(8) "Manicuring" includes care of the nails, the hands, the lower arms, the feet, and the lower legs and  
27 the application and maintenance of artificial nails.

28 ~~(8)~~(9) "Place of residence" means a home and the following residences defined under 50-5-101:

29 (a) an assisted living facility;

30 (b) an intermediate care facility for the developmentally disabled;

- 1 (c) a hospice;  
2 (d) a critical access hospital;  
3 (e) a long-term care facility; or  
4 (f) a residential treatment facility.

5 ~~(9)~~(10) "Practice or teaching of barbering" means any of the following practices performed for payment,  
6 either directly or indirectly, upon the human body for tonsorial purposes and not performed for the treatment of  
7 disease or physical or mental ailments:

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

16 ~~(10)~~(11) "Practice or teaching of barbering nonchemical" means the practice or teaching of barbering as  
17 provided in subsection ~~(9)~~ (10) but excludes the use of chemicals to wave, straighten, color, bleach, or highlight  
18 hair.

19 ~~(11)~~(12) (a) "Practice or teaching of cosmetology" means work included in the terms "hairdressing",  
20 "manicuring", "esthetics", and "beauty culture" and performed in salons or shops, in booths, or by itinerant  
21 cosmetologists when the work is done for the embellishment, cleanliness, and beautification of the hair and body.

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

25 ~~(12)~~(13) (a) "Salon or shop" means the physical location in which a person licensed under this chapter  
26 practices barbering or barbering nonchemical, cosmetology, electrology, esthetics, or manicuring.

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

1 salon or a shop.

2 ~~(13)~~(14) "School" means a program and location approved by the board with respect to its course of  
3 instruction for training persons in barbering, barbering nonchemical, cosmetology, electrology, esthetics, or  
4 manicuring and that meets any other criteria established by the board."

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6 **NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an  
7 integral part of Title 37, chapter 31, part 3, and the provisions of Title 37, chapter 31, part 3, apply to [section 1].

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