

*House* BILL NO. 790

INTRODUCED BY Curtis McGee  
*by request*

A BILL FOR AN ACT ENTITLED: "AN ACT TO PROVIDE FOR THE REGULATION AND LICENSING OF ESTHETICIANS."

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

Section 1. Legislative finding and purpose. The legislature finds that the practice of esthetics in Montana affects the public health, safety, and welfare and should therefore be subject to regulation and control in the public interest. The purpose of this act is to protect the public from the unauthorized, unqualified, or incompetent practice of esthetics.

Section 2. Definitions. In this act the following definitions apply:

(1) "Esthetics" means:

(a) the care and treatment of human skin by means of massage or appropriate machines;

(b) the removal of superfluous hair from the human body by the use of cosmetic waxes, depilatories, tweezers, or other devices, but does not include electrolysis; or

(c) massaging, cleansing, treating, manicuring, or beautifying the hands of any person.

(2) "Board" means the board of cosmetologists,

provided for in 82A-1602-8.

(3) "Department" means the department of professional and occupational licensing, provided for in Title 82A, chapter 16.

(4) "Approved school" means a school which the board has approved as having a course of instruction and training in esthetics which meets the criteria established by board rule.

Section 3. Applicability — exemptions. (1) This act applies only to the practice of esthetics by persons who offer their services to the public.

(2) This act does not affect activities of a licensed practitioner of cosmetology, electrolysis, massage therapy, or any other profession or occupation when such activities are within the scope of the practice of that profession or occupation as defined in the applicable licensing laws.

Section 4. License required. No person may hold himself out to be an esthetician or practice esthetics unless he holds a valid license granted by the board under this act.

Section 5. Qualifications of applicants. Applicants for license to practice esthetics must:

(1) be at least 18 years of age; and

(2) furnish evidence, satisfactory to the board, of having completed at least 800 hours of instruction and

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1 training over a period of not less than 5 months or more  
2 than 7 months from an approved school.

3 Section 6. Examination. The board may require an  
4 applicant to pass an examination to test his knowledge and  
5 competency in the field of esthetics before he is granted a  
6 license.

7 Section 7. Rulemaking. The board may adopt rules for  
8 the proper administration of this act including but not  
9 limited to rules:

10 (1) setting forth the criteria for an approved school;  
11 and

12 (2) setting forth the form, content, and procedure for  
13 examination of applicants.

14 Section 8. Revocation and suspension of license. The  
15 board may revoke or suspend a license granted under this  
16 act, if after notice and hearing in accordance with the  
17 Montana Administrative Procedure Act, it finds a licensee to  
18 be incompetent to practice or derelict in the practice of  
19 esthetics.

20 Section 9. Renewal. A license issued under this act  
21 shall be renewed annually on or before December 31.

22 Section 10. Fees -- deposit. (1) The board may charge:

23 (a) a fee for application and examination in an amount  
24 not to exceed \$20;

25 (b) a fee for original issuance of license in an

1 amount not to exceed \$30;

2 (c) a renewal fee in an amount not to exceed \$40.

3 (2) All moneys collected by the department pursuant to  
4 this act shall be deposited in the earmarked revenue fund  
5 for the use of the board in the administration of this act.

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