

HOUSE BILL NO. 566

INTRODUCED BY HEMSTAD, HAGER

IN THE HOUSE

January 29, 1981	Introduced and referred to Committee on Agriculture.
January 30, 1981	Rereferred to Committee on Human Services.
February 23, 1981	Committee recommend bill do pass as amended. Report adopted.
February 24, 1981	Bill printed and placed on members' desks.
February 25, 1981	Second reading, do pass. On motion rules suspended and bill placed on third reading this day. Third reading, passed. Ayes, 96; Noes, 2. Transmitted to Senate.

IN THE SENATE

March 3, 1981	Introduced and referred to Committee on Public Health, Welfare, and Safety.
March 25, 1981	Committee recommend bill be concurred in as amended. Report adopted.
March 27, 1981	Second reading, concurred in.
March 30, 1981	Third reading, concurred in as amended. Ayes, 49; Noes, 0.

IN THE HOUSE

March 31, 1981

Returned from Senate with amendments.

April 8, 1981

Second reading, amendments concurred in.

April 9, 1981

Third reading, amendments concurred in. Ayes, 93; Noes, 2. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 566

INTRODUCED BY

Senator Hager

A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE ELECTROLOGY TO MEAN REMOVAL OF SUPERFLUOUS HAIR WITH AN ELECTRIFIED NEEDLE AND TO REQUIRE A LICENSE FOR THE REMOVAL OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELECTROLOGY; AMENDING SECTIONS 37-32-101 THROUGH 37-32-103, MCA."

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

Section 1. Section 37-32-101, MCA, is amended to read:

"37-32-101. Purpose. The legislature finds and declares that the practice of electrology and the practice of removing superfluous hair by means other than electrology in Montana affects the public health, safety, and welfare and should therefore be subject to regulation and control in the public interest in order to protect the public from the unauthorized and unqualified practice of electrology or of removing superfluous hair by means other than electrology."

Section 2. Section 37-32-102, MCA, is amended to read:

"37-32-102. Definitions. As used in this chapter, the following definitions apply:

(1) "Approved school" means a school which the board has approved as having a course of instruction or education and training in electrology which meets the criteria

established by the board.

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

(3) "Department" means the department of professional and occupational licensing.

(4) "Electrology" means the study and professional practice of removing superfluous hair by destroying the hair roots by passage of an electric current by any method with an electrified needle. Electrology as defined in this chapter shall include electrolysis and/or thermolysis."

Section 3. Section 37-32-103, MCA, is amended to read:

"37-32-103. Exemptions. Nothing in this chapter prevents:

(1) a licensed medical doctor from performing the work of an electrologist or from removing superfluous hair by a means other than electrology;

(2) a person employed by a federal, state, county, city, or other political subdivision or by an educational or charitable institution from performing the work of an electrologist or from removing superfluous hair by a means other than electrology."

NEW SECTION. Section 4. License required -- removal of superfluous hair. (1) No person may permanently remove or represent himself to be able to permanently remove superfluous hair by a means other than electrology unless he is licensed under this chapter.

1 (2) The licensing requirement of subsection (1) does
2 not apply to persons removing superfluous hair from their
3 own body.

4 NEW SECTION. Section 5. Qualifications -- examination
5 -- issuance of license. (1) Before a license to remove
6 superfluous hair by a means other than electrology is
7 granted, the applicant shall meet all of the following
8 requirements:

9 (a) be at least 18 years of age;

10 (b) furnish satisfactory evidence of education,
11 instruction, training, and experience in removing
12 superfluous hair;

13 (c) pass an examination to the satisfaction of the
14 board if it is required by the board.

15 (2) The department shall issue the license only after
16 it is granted by the board and all requirements of this
17 chapter have been met.

18 NEW SECTION. Section 6. Salon license required. The
19 premises in which superfluous hair is removed by a method
20 other than electrology must be licensed in accordance with
21 rules adopted by the board. Rules adopted by the board shall
22 provide for equipment standards and sanitary rules so that
23 the health of the individual patron is properly protected.

24 NEW SECTION. Section 7. Fees -- renewal -- deposit of
25 money collected. (1) The fee for an original license for

1 removal of superfluous hair by a means other than
2 electrology shall not exceed \$50 as set by the board. The
3 renewal shall be automatic, unless revoked or suspended for
4 cause, and the renewal fee shall be set by the board.

5 (2) The fee for an original salon license for removal
6 of superfluous hair by a means other than electrology shall
7 be the same as that for cosmetology salons. The renewal fee
8 shall be the same as that for cosmetology salons.

9 (3) All licenses issued under this chapter expire on
10 December 31 and shall be renewed annually. Failure to renew
11 on or before December 31 shall cause a late renewal fee of
12 \$10 to be added to the regular renewal fee. The right to
13 renew by payment of the late renewal fee expires after 3
14 years of nonpayment.

15 (4) All fees or moneys collected by the department
16 under this chapter shall be deposited in the earmarked
17 revenue fund for the use of the board in administration of
18 the chapter.

19 Section 8. Codification instruction. Sections 4
20 through 7 are intended to be codified as an integral part of
21 Title 37, chapter 32, and the provisions of Title 37,
22 chapter 32, apply to sections 4 through 7.

-End-

Approved by Comm. On Human Services

HOUSE BILL NO. 566

INTRODUCED BY HEMSTAD, HAGER

A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE ELECTROLOGY TO MEAN REMOVAL OF SUPERFLUOUS HAIR WITH AN ELECTRIFIED NEEDLE AND TO REQUIRE A COSMETOLOGY LICENSE FOR THE REMOVAL OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELECTROLOGY; AMENDING SECTIONS ~~37-32-101~~ THROUGH ~~37-32-103~~ 37-31-101 AND 37-32-102, MCA."

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

~~Section 1. Section 37-32-101, MCA, is amended to read:~~

~~"37-32-101. Purpose. The legislature finds and declares that the practice of electrology and the practice of removing superfluous hair by means other than electrology in Montana affects the public health, safety, and welfare and should therefore be subject to regulation and control in the public interest in order to protect the public from the unauthorized and unqualified practice of electrology or of removing superfluous hair by means other than electrology."~~

SECTION 1. SECTION 37-31-101, MCA, IS AMENDED TO READ:

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

(1) "Practice and teaching of cosmetology" includes work generally and usually included in the terms

"hairdressing" and "beauty culture" and performed in so-called hairdressing and beauty shops or by itinerant cosmetologists, which work is done for the embellishment, cleanliness, and beautification of the hair, scalp, face, arms, or hands, and includes the practice of removing superfluous hair by a means other than electrology. The practice and teaching of cosmetology shall not be construed to include:

(a) itinerant cosmetologists who perform their services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state of Montana as such store or place of business; or

(b) cosmetological artists who demonstrate cosmetological skills under the auspices of the state association of cosmetology or its affiliated units, whether at meetings or in licensed cosmetological establishments.

(2) "Cosmetological establishment" means premises, building, or part of a building in which is practiced a branch or combination of branches of cosmetology or the occupation of a hairdresser and cosmetician or cosmetologist and which must have a manager-operator in charge.

(3) "Board" means the board of cosmetologists provided for in 2-15-1626.

(4) "Department" means the department of professional

1 and occupational licensing provided for in Title 2, chapter
2 15, part 16."

3 Section 2. Section 37-32-102, MCA, is amended to read:
4 "37-32-102. Definitions. As used in this chapter, the
5 following definitions apply:

6 (1) "Approved school" means a school which the board
7 has approved as having a course of instruction or education
8 and training in electrology which meets the criteria
9 established by the board.

10 (2) "Board" means the board of cosmetologists.

11 (3) "Department" means the department of professional
12 and occupational licensing.

13 (4) "Electrology" means the study and professional
14 practice of PERMANENTLY removing superfluous hair by
15 destroying the hair roots by passage of an electric current
16 by any method with an electrified needle. Electrology as
17 defined in this chapter shall include electrolysis and/or
18 thermolysis. ELECTROLOGY DOES NOT INCLUDE THE PRACTICE OF
19 PILETHERMOLOGY."

20 ~~Section 3. Section 37-32-103, MCA, is amended to read:~~
21 ~~"37-32-103. Exemptions. Nothing in this chapter~~
22 ~~prevents:~~

23 ~~(1) a licensed medical doctor from performing the work~~
24 ~~of an electrologist or from removing superfluous hair by a~~
25 ~~means other than electrology~~

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5 ~~other than electrology."~~

6 NEW SECTION. Section 3. License required -- removal
7 of superfluous hair. (1) No person may permanently remove or
8 represent himself to be able to permanently remove
9 superfluous hair by a means other than electrology unless he
10 is licensed under this chapter.

11 (2) The licensing requirement of subsection (1) does
12 not apply to persons removing superfluous hair from their
13 own body.

14 NEW SECTION. Section 4. Qualifications -- examination
15 -- issuance of license. (1) Before a license to remove
16 superfluous hair by a means other than electrology is
17 granted, the applicant shall meet all of the following
18 requirements:

- 19 (a) be at least 18 years of age;
- 20 (b) furnish satisfactory evidence of education,
- 21 instruction, training, and experience in removing
- 22 superfluous hair;
- 23 (c) pass an examination to the satisfaction of the
- 24 board if it is required by the board.
- 25 (2) The department shall issue the license only after

1 it is granted by the board and all requirements of this
2 chapter have been met.

3 NEW SECTION. Section 5. Salon license required. The
4 premises in which superfluous hair is removed by a method
5 other than electrology must be licensed in accordance with
6 rules adopted by the board. Rules adopted by the board shall
7 provide for equipment standards and sanitary rules so that
8 the health of the individual patron is properly protected.

9 NEW SECTION. Section 6. Fees -- renewal -- deposit of
10 money collected. (1) The fee for an original license for
11 removal of superfluous hair by a means other than
12 electrology shall not exceed \$50 as set by the board. The
13 renewal shall be automatic, unless revoked or suspended for
14 cause, and the renewal fee shall be set by the board.

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16 of superfluous hair by a means other than electrology shall
17 be the same as that for cosmetology salons. The renewal fee
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19 (3) All licenses issued under this chapter expire on
20 December 31 and shall be renewed annually. Failure to renew
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22 \$10 to be added to the regular renewal fee. The right to
23 renew by payment of the late renewal fee expires after 3
24 years of nonpayment.

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1 under this chapter shall be deposited in the earmarked
2 revenue fund for the use of the board in administration of
3 the chapter.

4 Section 7. Codification instruction. Sections 4
5 through 7 are intended to be codified as an integral part of
6 Title 37, chapter 32 31, and the provisions of Title 37,
7 chapter 32 31, apply to sections 4 through 7.

-End-

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3
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO DEFINE ELECTROLOGY
5 TO MEAN REMOVAL OF SUPERFLUOUS HAIR WITH AN ELECTRIFIED
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7 OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELECTROLOGY;
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9 37-32-102, MCA."

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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:12 ~~Section 1. Section 37-32-101, MCA, is amended to read:~~

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25 work generally and usually included in the terms

1 "hairdressing" and "beauty culture" and performed in
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15 cosmetological skills under the auspices of the state
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22 and which must have a manager-operator in charge.

23 (3) "Board" means the board of cosmetologists provided
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14 practice of PERMANENTLY removing superfluous hair by
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16 by any method with an electrified needle. Electrology as
17 defined in this chapter shall include electrolysis and/or
18 thermolysis. ELECTROLOGY DOES NOT INCLUDE THE PRACTICE OF
19 PILEATHERMOLOGY WHICH IS THE STUDY AND PROFESSIONAL PRACTICE
20 OF REMOVING SUPERFLUOUS HAIR BY PASSAGE OF RADIO FREQUENCY
21 ENERGY WITH ELECTRONIC TWEEZERS AND SIMILAR DEVICES."

22 Section 3. Section 37-32-103, MCA, is amended to read:
23 "37-32-103. Exemptions. Nothing in this chapter
24 prevents

25 (i) a licensed medical doctor from performing the work

1 ~~of an electrologist or from removing superfluous hair by a~~
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20 requirements:

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24 superfluous hair;

25 (c) pass an examination to the satisfaction of the

1 board-if-it-is-required-by-the-board.

2 (2) The department shall issue the license only after
3 it is granted by the board and all requirements of this
4 chapter have been met.

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10 the health of the individual patron is properly protected.

11 NEW SECTION Section 6. Fees and deposit of
12 money collected. (1) The fee for an original license for
13 removal of superfluous hair by a means other than
14 electrolysis shall not exceed \$50 as set by the board. The
15 renewal shall be automatic unless revoked or suspended for
16 cause and the renewal fee shall be set by the board.

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18 of superfluous hair by a means other than electrolysis shall
19 be the same as that for cosmetology salons. The renewal fee
20 shall be the same as that for cosmetology salons.

21 (3) All licenses issued under this chapter expire on
22 December 31 and shall be renewed annually. Failure to renew
23 on or before December 31 shall cause a late renewal fee of
24 \$10 to be added to the regular renewal fee. The right to
25 renew by payment of the late renewal fee expires after 3

1 years of nonpayment.

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3 under this chapter shall be deposited in the earmarked
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5 the chapters.

6 Section 2. Codification instructions. Sections 4
7 through 7 are intended to be codified as an integral part of
8 title 37, chapter 32 31 and the provisions of title 37,
9 chapter 32 31 apply to sections 4 through 7.

-End-

March 25, 1981

SENATE STANDING COMMITTEE REPORT
(Public Health, Welfare & Safety)

That House Bill No. 566 be amended as follows:

1. Title, line 6.

Following: "NEEDLE"

Strike: "AND TO REQUIRE A COSMETOLOGY LICENSE FOR THE REMOVAL
OF SUPERFLUOUS HAIR BY A MEANS OTHER THAN ELECTROLOGY"

2. Title, line 8.

Following: "AMENDING"

Strike: "SECTIONS"

Insert: "SECTION"

Following: "~~37-32-103~~"

Strike: "37-31-101 AND"

3. Page 1, line 21 through line 2 on page 3.

Following: line 20

Strike: Section 1 in its entirety

Renumber: subsequent sections accordingly

4. Page 3, line 19

Following: "PILETHERMOLOGY"

Insert: "which is the study and professional practice of
removing superfluous hair by passage of radio frequency energy
with electronic tweezers and similar devices."

5. Page 4, line 6 through line 7 on page 6.

Following: line 5

Strike: Section 3 through Section 7 in their entirety