SENATE BILL NO. 452

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

IN THE SENATE

Pebruary 12, 1981

Pebruary 20, 1981

Introduced and referred to Committee on Public Health, Welfare, and Safety.

Committee recommend bill do pass as amended. Report adopted.

Bill printed and placed on members' desks.

Second reading, do pass.

On motion rules suspended. Bill placed on calendar for third reading this day.

Third reading, passed. Ayes, 46; Noes, 1. Transmitted to House.

IN THE HOUSE

March 3, 1981

March 4, 1981

March 25, 1981

March 28, 1981

Introduced and referred to Committee on Human Services.

Rereferred to Committee on Business and Industry.

Committee recommend bill be concurred in as amended. Report adopted.

Second reading, concurred in.

Pebruary 23, 1981

Pebruary 24, 1981

February 25, 1981

March 30, 1981

On motion rules suspended and bill allowed to be transmitted on 71st legislative day. Motion adopted.

March 31, 1981

Third reading, concurred in as amended. Ayes, 89; Noes, 9.

IN THE SENATE

April 1, 1981

April 10, 1981

April 11, 1981

April 15, 1981

April 17, 1981

April 20, 1981

Returned from House with amendments.

Second reading, amendments not concurred in.

On motion Conference Committee requested and appointed.

Conference Committee dissolved.

On motion new Free Conference Committee requested and appointed.

Free Conference Committee reported.

Second reading, Free Conference Committee report adopted.

Third reading, Free Conference Committee report adopted. Ayes, 43; Noes, 5. Transmitted to House.

IN THE HOUSE

April 21, 1981

April 22, 1981

Free Conference Committee report adopted.

IN THE SENATE

Returned from House. Sent to enrolling.

Reported correctly enrolled.

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tete BILL NO. 452 1 2 INTRODUCED BY BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE 5 BOARD OF BARBERS UNDER EXISTING STATUTORY AUTHORITY AND 6 RULES; REVISING BOARD MAKEUP; EXEMPTING COSMETOLOGISTS FROM 7 PROHIBITIONS UNDER BARBERING LAWS; GIVING THE BOARD а AUTHORITY TO GRANT TEMPORARY LICENSES TO BARBERSHOPS; 9 REQUIRING ANNUAL INSPECTIONS OF BARBERSHOPS; ELIMINATING 10 11 BARBER APPRENTICESHIP REQUIREMENTS; AUTHORIZING RECIPROCAL 12 LICENSING; DELETING PRICE-SETTING PROVISIONS; DELETING 13 CRIMINAL CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A 14 LICENSE: AMENDING SECTIONS 2-8-103, 2-15-1625, 37-30-101, 37-30-301 THROUGH 37-30-303. 37-30-306. 15 37-30-203. 15 37-30-307, 37-30-403, 37-30-404, 37-30-422, AND 37-30-425, 17 MCA; REPEALING SECTIONS 37-30-304 AND 37-30-305, MCA; AND

18 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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20 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, 21 MEA, terminates the Board of Barbers and requires a 22 performance evaluation of the Board by the Legislative Audit 23 Committee; and

24 WHEREAS, as a result of the performance evaluation, the 25 Constantive Audit Committee recommends that the second of Barbers be reestablished under existing statutory authority.

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

4 Section 1. Reestablishment. The board of barbers is 5 reestablished for 6 years pursuant to 2-18-122 with its 6 existing statutory authority and rules.

7 Section 2- Section 2-8-103, MCA+ is amended to read:
8 **2-8-103. Agencies to terminate. (1) The following

9 agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional
 and occupational licensing, created by 2-15-1643;

12 (b) board of real estate, department of professional
13 and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and
air conditioning, department of professional and
occupational licensing, created by 2-15-1656;

17 (d) board of institutions, department of institutions,
18 created by 2-15-2303.

19 (2) The following agencies shall terminate on July 1,
 20 1981:

21 (a) commission for human rights, department of labor
22 and industry, created by 2-15-1706;

(b) board of athletics, department of professional and
occupational licensing, created by 2-15-1661;

25 tet -- boord--of--barbersy-department-of--professional-and

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1	occupational-licensingy-ereated-by-2-15-1625;
2	tdt(c) board of chiroprectors, department of
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4	professional and occupational licensing, created by 2-15-1613;
т 5	
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	· · · · · · · · · · · · · · · · · · ·
7	2-15-1626;
8	<pre>(f)(a) board of dentists, department of professional</pre>
9	and occupational licensing, created by 2-15-1606;
10	tgtff board of hearing aid dispensers, department of
11	professional and occupational licensing, created by
12	2-15-1616;
13	<pre>thttp://doi.org/technology/t</pre>
14	professional and occupational licensing, created by
15	2-15-1627;
16	<pre>fit(h) Montana state board of medical examiners,</pre>
17	department of professional and occupational licensing,
18	created by 2-15-1605;
19	<pre>title board of morticians, department of professional</pre>
20	and occupational licensing, created by 2-15-1619;
21	<pre>tkt(j) board of nursing, department of professional</pre>
22	and occupational licensing, created by 2-15-1610;
23	<pre>the test of nursing home administrators,</pre>
24	department of professional and occupational licensing,
25	created by 2-15-1611;

1 (m)(l) board optometrists. department of of 2 professional and occupational licensing, created by 3 2-15-1612; 4 total board of osteopathic physicians, department of 5 professional and occupational licensing, created by 2-15-1607: 6 7 tot(n) board of pharmacists, department of 8 professional and occupational licensing, created by 9 2-15-1609; 10 tpt[o] board of podiatry examiners, department of 11 professional and occupational licensing, created bу 12 2-15-1608; 13 tation board of psychologists, department of 14 professional and occupational licensing, created by 2-15-1617; 15 16 try(a) board of radiologic technologists, department 17 of professional and occupational licensing, created by 18 2-15-1614; 19 tatic) board of speech pathologists and audiologists. 20 department of professional and occupational licensing, 21 created by 2-15-1615; 22 (t)(s) board of veterinarians, department of 23 professional and occupational licensing, created by 2-15-1618; 24

25 **full(t)** board of veterans' affairs, department of

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1 social and rehabilitation services, created by 2-15-2202; 2 tvt(u) board of sanitarians. department of professional and occupational licensing, created by 3 2-15-1631. 4 (3) The following units of state government shall 5 terminate on July 1, 1983: 6 7 (a) board of aeronautics, department of community affairs, created by 2-15-1103; 8 9 (b) state board of hall insurance, department of agriculture, created by 2-15-3003; 10 (c) board of horse racing, department of professional 11 12 and occupational licensing, created by 2-15-1662; 13 (d) board of livestock, department of livestock, created by 2-15-3102: 14 (e) board of milk control, department of business 15 16 regulation, created by 2-15-1802; 17 (f) board of oil and gas conservation, department of 18 natural resources and conservation, created by 2-15-3303; 19 (q) Montana outfitters council, department of fish, wildlife, and parks, created by 2-15-3403; 20 21 (h) public service commission, department of public 22 service regulation, created by 69-1-102; 23 (i) board of water and wastewater operators, department of health and environmental sciences, created by 24 25 2-15-2105;

1 (i) board of water well contractors, department of 2 professional and occupational licensing, created by 2-15-1632. 3 (4) The following agencies terminate on July 1, 1985: 4 (a) the board of public accountants, created by 5 2-15-1641; 6 7 (b) the board of architects, created by 2-15-1651; (c) state banking board, department of business 8 9 regulation, created by 2-15-1803; (d) the state electrical board, created by 2-15-1654; 10 11 (e) the board of professional engineers and land surveyors, created by 2-15-1653; 12 13 (f) office of commissioner of insurance and the 14 insurance department, state auditor's office, created by 15 2-15-1902 and 2-15-1903; 16 (q) office of the securities commissioner, state 17 auditor's office, created by 2-15-1901; (h) the board of landscape architects, created by 18 19 2-15-1652; 20 (i) the board of county printing, created by 21 2-15-1102; 22 (i) the board of plumbers, created by 2-15-1655; 23 (k) board of physical therapy examiners, created by 2-15-1628. 24 25 (5) The following agency terminates on July 1: 1987:

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1	the <u>board of barbers, department of professional</u> and
2	occupational_licensingcreated_by_2=15=1625."
3	Section 3. Section 2-15-1625, MCA, is amended to read:
4	*2-15-1625. Board of barbers. (1) There is a board of
5	barbers.
6	(2) The board consists of three-members <u>two barbers</u>
7	and one public member who is not a barber appointed by the
8	governor• Each <u>barber</u> member shall be a practicing barber
9	who has been a barber in this state for at least 5 years
10	immediately before his appointment.
11	(3) Each member shall serve for a term of 3 years. The
12	governor may remove a member for cause.
13	(4) The board is allocated to the department for
14	administrative purposes only as prescribed in 2-15-121."
15	Section 4. Section 37-30-101, MCA, is amended to read:
16	"37-30-101. Definitions practice of barbering. (1)
17	Unless the context requires otherwise, as used in this
18	chapter the following definitions apply:
19	(a) "Barbershop" means a place where a person carries
20	on, engages in, practices, or causes to be carried on,
21	engaged in, or practiced the business of barbering.
22	(b) "Board" means the board of barbers provided for in
23	2-15-1625.
24	(c) "Department" means the department of professional
25	and occupational licensing provided for in Title 2, chapter

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1 15,	part	16.
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2	{2}An-"approntice"+-under-this-chapter+-iso person
3	whareceivesinstructioninan-approved-barber-school-or
4	coffege-and-from-a-borber-authorized-toprocticebarbering
5	in-this-state=
6	(3)12) Any one or any combination of the following
7	practices, when done upon the human body for tonsorial
8	purposes and not for the treatment of disease or physical or
9	mental ailments and when done for payment, either directly
10	or indirectly, constitutes the practice of barbering:
11	(a) shaving or trimming the beard;
12	(b) cutting the hair;
13	(c) giving facial or scalp massage or treatment with
14	oils, creams, lotions, or other preparations, either by hand
15	or mechanical appliances;
16	(d) singeing or shampooing the hair or applying hair
17	tonic, or dyeing the hair of male persons;
18	(e) applying cosmetic preparations, antiseptics,
19	powders, oils, lotions to scalp, face, or neck.
20	(3) The practice of cosmetology by a licensed
21	cosmetologist.including_cutting_the_bair_of_any_person.
22	does not constitute the practice of barbering."
23	Section 5. Section 37-30-203, MCA, is amended to read:
24	■37-30-203• Powers and duties of board and department
25	conducting examinations rulemaking hiring of

1 inspectors ----price--soreements. (1) The department shall. 2 subject to 37-1-101, conduct practical examinations of applicants for--apprentice--cards--and for certificates of 3 registration to practice as registered barbers not less than 4 four times a year at times and places the board determines. 5 The examinations shall cover the fundamentals of barbering, 6 7 dermatology, and sanitation. The department shall issue apprentice-cards-and certificates of registration. 8

9 (2) The board may adopt rules for the administration10 of this chapter.

11 (3) A person hired by the department to make an 12 inspection of a barbershop, school, or college shall be 13 recommended by the board. He shall receive \$30--per--day a 14 salary plus travel expenses as provided for in 2-18-501 15 through 2+18-503, as amended.

16 t4}--The---boord---may---approve---price----agreements 17 establishing-minimum-prices-for-barber-work-which-are-signed and--submitted--to-the-board-by-an-arganized-group-or-groups 18 19 of-at-least-75%-of-the-barbers-in-a--city--ar--town--if--the 20 boardy--after--ascertaining--by-investigations-and-proofs-as 21 the-situation-permits-and-requiresy--finds--thet--the--price 22 agreement--is--iust--and-will-best-protect-the-public-health 23 and-safety-by--affording--a--sufficient--minimum--price--for barber--work--to--enoble--the--barbers-to-furnish-modern-and 24 25 healthful-services-and-appliances-to-minimize-the-danger--ta

the-public-health-incident-to-this-worky-Under-this-chaptery 1 2 a--city--ar--town--includes--the--territory-within-its-legal 3 limits-and-the-territory-odjacent-to-it-and-lying--within--3 4 miles--of--its-legal-limits--legetermining-whether-a-price 5 agreement-is-iust-and-will-best-protect--the--public--health end---sefetyy---the--board--shall--consider--all--conditions 6 affecting-the-barber-business-in-its-relation-to-the--bublic 7 8 health-and-safety. (5)--In--determining--reasonable--minimum--prices--the 9 10 board-shall-consider-the-necessary-cost-incurred-in-the-city 11 or-town-to-maintain-a-barbershop-in-a-eleany-healthfuly--and 12 senitery-condition-13 f6}--After--making-an-investigationy-the-beard-shall-by 14 order-fix-the-minimum-price-for-work-usually-performed-in--a 15 barbershop--in-the-city-or-town-in-which-the-price-agreement 16 has-been-signedu-The-board-mayy-on-the-petition--of--588--of 17 the--barbers--of--the--city--or--towny--readjust-the-minimum pricesy-and-the-new-prices-must-be-approved-by--75%--of--the 18 19 borbers-in-the-city-or-town* 20 t7t--This--section--does-not-apply-to-students-who-have 21 been-enrolled-less-than-9-months-in-a-barber-college-in-this 22 state-or-who-are-not-apprentice-barbers*"

Section 6. Section 37-30-301, MCA, is amended to read:
 "37-30-301. Certificate required. A person may not
 practice or attempt to practice barbering or--serve-or

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1 attempt-to-serve-as-a--barber--apprentice unless he first 2 receives from the department a certificate of registration." 3 Section 7. Section 37-30-302, MCA, is amended to read: "37-30-302. Barber school curriculum approval --4 application for apprenticeship certificate of registration. 5 6 (1) A school or college of barbering may not be approved by 7 the board unless it teaches the curriculum of the 8 standardized schools approved by the national education 9 council of barber examiners.

10 (2) Students of schools or colleges may, after 11 attending the schools for a period of 9 months, make 12 application to the department for an-apprenticeship-cord--to 13 practice--barbering-under-the-immediate-personal-supervision 14 of-a-licensed-barber-for-the-period-of-l-year a__certificate 15 of_registration.*

16 Section 8. Section 37-30-303, MCA, is amended to read: 17 #37-30-303. Apprenticeship---required-----application 18 Application -- examination. (1) A person is qualified to 19 receive a certificate of registration to practice barbering only by scrying-as-an--apprentice--barber--and successfully 20 21 passing an examination conducted by the department, subject 22 to 37-1-101, to determine his fitness to practice barbering. 23 (2) An apprentice anolicant must file with the department an application setting forth the following 24 25 information:

(a) full name and age of-apprentice;
(b) name and place of approved barber school;
(c) dates of attendance at approved barber school;
(d) whether the applicant received a certificate of
graduation from an approved barber school; and
(e) other information the board considers necessary.
(3) An apprentice applicant must successfully pass an
apprentice examination conducted by the department, subject
to .37-1-101, and pay to the department the required fee. The
department shall then issue anapprenticebarberingcord
whichexpires2yearsfromthedoteofexamination a
certificate_of_registration."
Section 9. Section 37-30-306, MCA, is amended to read:
#37-30-306. Communicable disease physician⁴ s
certificate required. (1) A barber or-borber-opprentice may
not receive a certificate of registration or renewal until
he has presented to the board of barbers a physician's
certificate showing him to be free of physical ailments that

or do barber work while he has an infectious, contagious, or

25 communicable disease that would endanger the health of the

is guilty of a violation of this chapter.

would tend to endanger the health of the public. A person

practicing barbering without a certificate of registration

student of barbering to practice the occupation of a barber

(2) It is unlawful for a barbery-barber-apprenticey or

1 public.

2 (3) If a barber or barber-apprentice, after securing 3 his certificate, contracts a communicable, infectious, or 4 contagious disease endangering the public health, the board 5 of barbers shall revoke or suspend his certificate of 6 registration until the board has satisfactory proof that the 7 barber or barber-apprentice is no longer afflicted with the 8 communicable, infectious, or contagious disease.*

9 Section 10. Section 37-30-307, MCA, is amended to 10 read:

11 *37-30-307. Fees -- handicapped persons exempted --12 other fees prohibited. (1)-The-fee-to-be-paid-by-an 13 apprentice-for-an-apprentice-examination-and-an-apprentice 14 card-ia-#25*

15 (27(1)) The fee to be paid by an applicant for an examination to determine his fitness to receive a 17 certificate of registration to practice barbering is \$20 and 18 for the issuance of the certificate an additional \$10.

19 (3)(2) A person registered as a barber or-barber 20 apprentice shall, before July 1 of each year, pay a license 21 fee, set by the board in an amount not to exceed \$15 and 22 based on clerical and administrative costs, for the renewal 23 of his certificate of registration. If a barber fails to 24 have the certificate renewed before July 1 of each year, the 25 barber shall on renewal of the certificate of registration pay a penalty of \$10 in addition to the regular renewal fee.
If a certificate of registration is not renewed within 1
year after the date of expiration, the barber is not
entitled to have the certificate of registration renewed or
a new certificate of registration issued without first
applying for and taking the examination and paying the fees
provided for in this section.

8 (4)(3) However, physically handicapped persons trained 9 for the barber profession by the department of social and 10 rehabilitation services and certified by that department as having successfully completed a 9-month course in a 11 reputable barber college are not required to pay fees and 12 13 are for a period of 1 year immediately following their 14 training exempt from all except the sanitary provisions of this chapter. 15

16 (57(4) No other or additional license or fee may be
17 imposed on barbers or-barber-apprentices by a municipality
18 or other subdivision of this state."

19 Section 11. Section 37-30-403, MCA, is amended to 20 read:

21 "37-30-403. Facilities required for licensure --22 inspection. (1) Before a license is issued to conduct a
23 barbershop, school, or college in this state, the
24 barbershop, school, or college must be inspected by the
25 department and approved by the board and shall meet the

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1 following requirements:

z (a) It must have both hot and cold running water 3 connected with the city water supply. In villages or towns 4 where running water is not available, hot-water tanks shall 5 have not less than a 2-gallon capacity with gravity 6 pressure. Wastewater shall be disposed of through some 7 system carrying it away from the building. This shall be 8 done by sewer connections or in a manner meeting the 9 requirements of the department of health and environmental 10 sciences rules, city ordinances, and having the approval of 11 the city or village board of health, as required by law.

12 (b) The headrest of a barber chair must be equipped so
13 that each customer will be supplied with a clean, fresh
14 paper or towel.

15 (c) It must have a closed cabinet for each chair, to
16 keep instruments in when not in use, and must have proper
17 sterilization equipment for immersing instruments before use
18 on each customer.

(d) It must have a sufficient number of towels so that
each customer will be served with a clean, laundered towel.
(e) It must be well-lighted, well-ventilated, and kept
in a clean, orderly, and sanitary condition at all times.
(f) It must pay to the department the required fee.
(2) Barbershops, barber schools, or colleges shall be
open for inspection during business hours, to members of the

1 department.

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T	department.
2	(3) The board shall inspect annually each _barbershop.
3	<pre>schoolor_college_to_determine_compliance_with_statutory</pre>
4	requirements and board_rulesIheboardmaxsuspendor
5	revoke_the_license_of_any_barbershop;_school;_or_college
6	that violates statutory requirements or board rules,
7	<u>[4] Ibe board may grant a temporary license to a</u>
8	barbershopschoolorcollegeuntilsuchtimeas_the
9	initial_inspection_is_completed."
10	Section 12. Section 37-30-404, MCA, is amended to
11	read:
12	♥37-30-404. Barber schools operator license fee
13	patrons. (1) A barber school or college operating in this
14	state must have in charge a person who has had 10 years*
15	continuous experience as a barber.
16	(2) The owner of the school or college shall first
17	secure a permit to operate granted by the board and issued
18	by the department, on payment of an annual license fee of
19	\$50; and shall keep the permit prominently displayed.
20	(3) The owner shall, before commencing business, file
21	with the secretary of state a bond to this state, which
22	shall be approved by the attorney general, in the sum of
23	\$2,000, conditioned on the faithful compliance of the barber
24	school or college with this chapter and the payment of

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judgments that may be obtained against the school, college,

or owner on account of fraud, misrepresentation, or deceit
 practiced by them or by their agents.

3 (4)--Barber-schools-or-barber-colleges-may-not--charge
 4 patrons-for-barbering-services-and-materials-rendered#

5 (5)(4) All barber schools or colleges shall keep
6 prominently displayed a substantial sign as a barber school
7 or barber college.

8 (6)(5) On receiving students, all barber schools or
9 colleges shall immediately apply to the department for
10 student permits on blank forms prescribed by the board."
11 Section 13. Section 37-30-422, MCA, is amended to

12 read:

13 "37-30-422. Maintenance of sanitary conditions. Barbershops, barber schools, and barber colleges shall be 14 15 operated and maintained in a sanitary condition in order to preserve the public health and prevent the spread of 16 17 disease. The board of barbers and in consultation, with the 18 department of health and environmental sciences may adopt rules to preserve the public health and prevent the spread 19 20 of disease."

21 Section 14. Section 37-30-425, MCA, is amended to 22 read:

23 "37-30-425. Refusal, suspension, or revocation of
24 license. The board may, after notice and opportunity for a
25 hearing, either refuse to issue or renew or may suspend or

1 revoke a barbershop or barber school or college license for 2 any one or combination of the following causes: (1) the violation of any of the provisions of 3 4 37-30-308; 37-30-403, except subsection (1)(f); 37-30-412; 37-30-413; and 37-30-421; 5 6 t21--conviction-of-a-felonvy-shown-by-a-certified--copy 7 of-the-record-of-the-court-of-conviction; 8 #3+(2) gross malpractice or gross incompetency; 9 (4)(3) continued practice by a person knowingly having 10 an infectious or contagious disease; 11 +5)(4) advertising by means of knowingly false or 12 deceptive statements; 13 +6+151 advertising, practicing, or attempting to practice under a trade name other than one's own; 14 15 (7)(6) habitual drunkenness or addiction to the use of 16 morphine, cocaine, or other habit-forming drugs: 17 (8)(7) the commission of any of the offenses described 18 in 37-30-203.* NEW SECTION. Section 15. Admission of licensee from 19 other state. The department may issue, at the board's 20 discretion, a barber's license without examination to a 21 22 person who holds a current license as a barber from another 23 jurisdiction if the board finds that the standards for

24 licensure in the other jurisdiction are at least
25 substantially equivalent to those prevailing in this state

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1 and that the applicant is otherwise qualified. 2 Section 16+ Repealer+ Sections 37-30-304 and 37-30-305, MCA, are repealed. 3 Section 17. Codification instruction. Section 15 is 4 intended to be codified as an integral part of Title 37, 5 6 chapter 6, and the provisions of Title 37, chapter 6, apply 7 to section 15. Section 18. Effective date. This act is effective on 8 9 passage and approval.

-End-

47th Legislature

SB 0452/02

Approved by the committee on Public Health, Welfare & Safety

L	SENATE BILL NO. 452	L	Barbers be reestablished under existing statutory authority.
2	INTRODUCED BY HIMSL. S. BROWN	2	
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE	3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4		4	Section 1. Reestablishment. The board of barbers is
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE	5	reestablished for 6 years pursuant to 2-18-122 with its
6	BOARD OF BARBERS UNDER EXISTING STATUTORY AUTHORITY AND	6	existing statutory authority and rules.
7	RULES; REVISING BOARD MAKEUP; EXEMPTING COSMETOLOGISTS FROM	7	Section 2. Section 2-8-103, MCA, is amended to read:
8	PROHIBITIONS UNDER BARBERING LAWS; GIVING THE BOARD	8	"2-8-103. Agencies to terminate. (1) The following
9	AUTHORITY TO GRANT TEMPORARY LICENSES TO BARBERSHOPS;	9	agencies shall terminate on July 1, 1979:
10	REQUIRING ANNUAL INSPECTIONS OF, BARBERSHOPS; ELIMINATING	10	(a) board of abstracters, department of professional
11	BARBER APPRENTICESHIP REQUIREMENTS; AUTHORIZING RECIPROCAL	11	and occupational licensing, created by 2-15-1643;
12	LICENSING; DELETING PRICE-SETTING PROVISIONS; DELETING	12	(b) board of real estate, department of professional
13	CRIMINAL CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A	13	and occupational licensing, created by 2-15-1642;
14	LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1625, 37-30-101,	14	(c) state board of warm air heating, ventilation, and
15	37-30-203• 37-30-301 THROUGH 37-30-303• 37-30-306•	15	air conditioning, department of professional and
16	37-30-307, 37-30-403, 37-30-404, 37-30-422, AND 37-30-425,	16	occupational licensing, created by 2-15-1656;
17	MCA; REPEALING SECTIONS 37-30-304 AND 37-30-305, MCA; AND	17	(d) board of institutions, department of institutions,
18	PROVIDING AN IMMEDIATE EFFECTIVE DATE."	18	created by 2-15-2303.
19		19	(2) The following agencies shall terminate on July 1,
20	WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,	20	1981:
21	MCA, terminates the Board of Barbers and requires a	21	(a) commission for human rights, department of labor
22	performance evaluation of the Board by the Legislative Audit	22	and industry, created by 2-15-1706;
23	Committee; and	23	(b) board of athletics, department of professional and
24	WHEREAS, as a result of the performance evaluation, the	24	occupational licensing, created by 2-15-1661;

WHEREAS, as a result of the performance evaluation, the 25 Legislative Audit Committee recommends that the Board of

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READING

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occupational licensing, created by 2-15-1661; 24

25 tet--boord--of--borbersy-department-of-professional-and

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1 occupational-licansing-created-by-2-15-1625; 2 td) [c] board of chiropractors, department oF 3 professional occupational licensing, created by and 4 2-15-1613; 5 tet(d) board of cosmetologists, department of professional 6 and occupational licensing, created by 2-15-1626: 7 8 (F)(e) board of dentists, department of professional 9 and occupational licensing, created by 2-15-1606; tgt[f] board of hearing aid dispensers, department of 10 11 professional and occupational licensing, created by 12 2-15-1616; 13 that(g) board of massage therapists, department of professional and occupational licensing, created by 14 15 2-15-1627; 16 fil (h) Montana state board of medical examiners. 17 department of professional and occupational licensing, 18 created by 2-15-1605; 19 til board of morticians, department of professional v 20 and occupational Ficensing, created by 2-15-1619; 21 b (k)(i) board of mursing, department of professional and occupational licensing, created by 2-15-1610; 22 23 (++)(k) board of nursing home administrators, 24 department of professional and occupational licensing, created by 2-15-1611; 25

ł	{m} <u>{1)</u> board of optometrists≠ department of	
z	professional and occupational licensing, created by	,
3	2-15-1612;	
4	<pre>(n)(m) board of osteopathic physicians, department of</pre>	,
5	professional and occupational licensing, created by	,
6	2-15-1607;	
7	<pre>toj(n) board of pharmacists, department of</pre>	;
8	professional and occupational licensing, created by	,
9	2-15-1609;	
10	<pre>tp>(o) board of podiatry examiners, department of</pre>	;
11	professional and occupational licensing, created by	,
12	2-15-1608;	
13	<pre>fq)(p) board of psychologists, department of</pre>	2
14	professional and occupational licensing, created by	,
15	2-15-1617;	
16	<pre>frt(q) board of radiologic technologists. department</pre>	
17	of professional and occupational licensing, created by	,
18	2-15-1614;	
19	<pre>fst(r) board of speech pathologists and audiologists.</pre>	,
20	department of professional and occupational licensing,	,
21	created by 2-15-1615;	
22	<pre>fth(s) board of veterinarians, department of</pre>	;
23	professional and occupational licensing, created by	,
24	2-15-1618;	
25	<pre>full.board of veterans' affairs, department of</pre>	;

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Ł social and rehabilitation services, created by 2-15-2202; 1 (i) board of water well contractors, department of 2 tv) (u) board of sanitarians. department of 2 professional and occupational licensing, created by professional and occupational licensing, created by 3 2-15-1632. 3 2-15-1631-4 (4) The following agencies terminate on July 1, 1985: 4 (3) The following units of state government shall 5 (a) the board of public accountants, created by 5 2-15-1641: terminate on July 1+ 1983: 6 6 7 (b) the board of architects, created by 2-15-1651; 7 (a) board of aeronautics, department of community 8 affairs, created by 2-15-1103; 8 (c) state banking board, department of business 9 regulation, created by 2-15-1803; 9 (b) state board of hail insurance, department of 10 (d) the state electrical board, created by 2-15-1654; 10 agriculture, created by 2-15-3003; 11 (e) the board of professional engineers and land (c) board of horse racing, department of professional 11 12 surveyors, created by 2-15-1653; 12 and occupational licensing, created by 2-15-1662; 13 (f) office of commissioner of insurance and the (d) board of livestock, department of livestock, 13 14 insurance department, state auditor's office, created by 14 created by 2-15-3102; 15 2-15-1902 and 2-15-1903; 15 (e) board of milk control, department of business regulation, created by 2-15-1802; 16 (q) office of the securities commissioner, state 16 17 auditor's office, created by 2-15-1901; 37 (f) board of oil and gas conservation, department of natural resources and conservation, created by 2-15-3303; 18 (h) the board of landscape architects, created by 18 19 2-15-1652: (g) Montana outfitters council, department of fish, 19 20 (i) the board of county printing, created by wildlife, and parks, created by 2-15-3403; 20 2-15-1102: 21 (h) public service commission, department of public 21 22 service regulation. created by 69-1-102; 22 (i) the board of plumbers, created by 2-15-1655; 23 (i) board of water and wastewater operators, 23 (k) board of physical therapy examiners, created by 2-15-1628. 24 department of health and environmental sciences, created by 24 25 (5) The following agency terminates on July 1, 1987: 25 2-15-2105; -5-SB 452 -6-\$8 452

	1	the board of barbers, department of professional and	1	15
	Z	occupational licensing, created by 2-15-1625."	S	
	3	Section 3. Section 2-15-1625, MCA, is amended to read:	3	wh
	4	"2-15-1625. Board of barbers. {1} There is a board of	4	ee
	5	barber s.	5	in
	6	(2) The board consists of threemembers two barbers	6	
	7	and one public member who is not a barber appointed by the	7	pr
	8	governor. Each <u>barber</u> member shall be a practicing barber	8	pu
	9	who has been a barber in this state for at least 5 years	9	m¢
	10	immediately before his appointment.	10	or
	11	(3) Each member shall serve for a term of 3 years. The	11	
	12	governor may remove a member for cause.	12	
	13	(4) The board is allocated to the department for	13	
	14	administrative purposes only as prescribed in 2-15-121.**	14	oi
	15	Section 4. Section 37-30-101, MCA, is amended to read:	15	or
	16	"37-30-101. Definitions practice of barbering. (1)	16	
	17	Unless the context requires otherwise, as used in this	17	to
	18	chapter the following definitions apply:	18	
	19	(a) "Barbershop" means a place where a person carries	19	ρο
3LQ	20	on, engages in, practices, or causes to be carried on,	20	
٢,	æ1	engaged in, or practiced the business of barbering.	21	<u>co</u>
	22	(b) "Soard" means the board of barbers provided for in	22	do
	23	2-15-1625+	23	
	24	{c} "Department" means the department of professional	24	
	25	and occupational licensing provided for in Title 2, chapter	25	

	15, part 16.
	{2}An#apprentice#yunder-this-chaptery-is-a-person
,	who-receives-instruction-in-anapprovedborberschoolor
	collegeandfrom-o-barber-authorized-to-proctice-borbering
	in-this-states
	(3)[2] Any one or any combination of the following
	practices, when done upon the human body for tonsorial
	purposes and not for the treatment of disease or physical or
	mental ailments and when done for payment, either directly
	or indirectly, constitutes the practice of barbering:
	(a) shaving or trimming the beard;
	<pre>(b) cutting the hair;</pre>
	(c) giving facial or scalp massage or treatment with
	oils+ creams+ lotions+ or other preparations+ either by hand
	or mechanical appliances;
I	{d} singeing or shampooing the hair or applying hair
	tonic; or dyeing the hair of male persons;
	(e) applying cosmetic preparations, antiseptics,
	powders, oils, lotions to scalp, face, or neck.
	[3] The practice of cosmetology by a licensed
	cosmetologist, including cutting the hair of any person.
	does not constitute the practice of barbering."
i	Section 5. Section 37-30-203. MCA, is amended to read:
,	"37-30-203. Powers and duties of board and department

25 -- conducting examinations -- rulemaking -- hiring of

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1 inspectors ----price-agreements. (1) The department shall. 2 subject to 37-1-101, conduct practical examinations of 3 applicants for-approntice--cards--and for certificates of 4 registration to practice as registered barbers not less than 5 four times a year at times and places the board determines. 6 The examinations shall cover the fundamentals of barbering. 7 dermatology, and sanitation. The department shall issue 8 apprentice-cards-and certificates of registration.

9 (2) The board may adopt rules for the administration
10 of this chapter.

11 (3) A person hired by the department to make an 12 inspection of a barbershop, school, or college shall be 13 recommended by the board. He shall receive \$30-per-day a 14 <u>salary</u> plus travel expenses as provided for in 2-18-501 15 through 2-18-503, as amended.

16 17 establishing-sinigan-prices-for-borber-work-which-are-sianed 18 and-submitted-to-the-board-by-an-organized-group-ar--groups 19 of--st--least-- 75%--of--the-barbers-in-sector-com-if-the 20 21 the---situation--permits--and--requiresy-finds-that-the-price 22 ogreement-is-just-and-witt-best-protect--the--oublic--health 23 and--safety--by--affording--sufficient--minimum-price-for 24 barber-work-to-enable-the--barbers--to--furnish--modern--and 25 healthful--services-and-appliances-to-minimize-the-danger-to

1 the-public-health-incident-to-this-works-Under-this-chastery 2 a-city-or-town--includes--the--territory--within--its--least 3 limits--and--the-territory-adiocent-to-it-and-lying-within-3 4 miles-of-its-least-limits--In-determining-whether--a--price 5 agreement--is--iust--and-will-best-protect-the-public-health 6 and--sofetyy--the--board--shall--consider---all---conditions 7 affecting--the-barber-business-in-its-relation-to-the-public 8 health-and-safety= 9 (5)--In--determining--reasonable--minimum--pricesy--the 10 board-shall-consider-the-necessary-cost-incurred-in-the-city 11 or--town-to-maintain-a-barbershop-in-a-cleany-healthfuly-and 12 sanitary-condition. 13 top---After-making-an-investigationy-the-board-shall--by 14 order--fix-the-minimum-price-for-work-usually-performed-in-a 15 barbershop-in-the-city-or-town-in-which-the-price--agreement 16 has--been--signedw--The-board-may--on-the-petition-of-50%-of 17 the-barbers-of--the--city--or--towny--readiust--the--minimum 18 pricesy--ond--the--new-prices-must-be-approved-by-75%-of-the 19 borbers-in-the-city-or-town* 20 {7}--This-section-does-not-apply-to-students--who--have 21 been-enrolled-less-than-9-months-in-a-barber-college-in-this 22 state-or-who-are-not-apprentice-barbersy" 23 Section 6. Section 37-30-301, MCA, is amended to read: 24 *37-30-301. Certificate required. A person may not 25 practice or attempt to practice barbering or serve or

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1 attempt--to--serve--as--a--barber-apprentice unless he first 2 receives from the department a certificate of registration.* 3 Section 7. Section 37-30-302, MCA, is amended to read: "37-30-302. Barber school curriculum approval ---4 5 application for apprenticeship certificate of registration. 6 (1) A school or college of barbering may not be approved by 7 the board unless it teaches the curriculum of the а standardized schools approved by the national education 9 council of barber examiners.

10 (2) Students of schools or colleges may, after 11 attending the schools for a period of 9 months, make 12 application to the department for an-apprenticeship-card-to 13 practice-barbering-under-the-immediate-personal--supervision 14 of--a-licensed-barber-for-the-period-of-1-year a certificate 15 of registration."

16 Section 8. Section 37-30-303. MCA, is amended to read: 17 #37-30-303. Apprenticeship-required------epplication Application -- examination. (1) A person is qualified to 18 19 receive a certificate of registration to practice barbering 20 only by serving--os--on-apprentice-borber-and successfully passing an examination conducted by the department. subject ar 21 22 to 37-1-101, to determine his fitness to practice barbering. (2) An opprontice applicant must file with the 23 department an application setting forth the following 24 Z5 information:

1	(a) full name and age of-apprentice;
2	(b) name and place of approved barber school;
3	(c) dates of attendance at approved barber school;
4	(d) whether the applicant received a certificate of
5	graduation from an approved barber school; and
6	(e) other information the board considers necessary.
7	(3) An apprentice applicant must successfully pass an
8	apprentice examination conducted by the department, subject
9	to 37-1-101, and pay to the department the required fee. The
10	department shall then issue an approntice borbering-card
11	which-expires2yearsFromthedateofexamination <u>a</u>
12	<u>certificate_of_registration="</u>
13	Section 9. Section 37-30-306, MCA, is amended to read:
14	"37-30-306. Communicable disease physician's
15	certificate required. (1) A barber or-barber-apprentice may
16	not receive a certificate of registration or renewal until
-	,
17	he has presented to the board of barbers a physician's
18	certificate showing him to be free of physical ailments that
19	would tend to endanger the health of the public. A person
20	practicing barbering without a certificate of registration
21	is guilty of a violation of this chapter.
2 Z	(2) It is unlawful for a barbery-barber-opprenticey or
23	student of barbering to practice the occupation of a barber
24	or do barber work while he has an infectious, contagious, or

25 communicable disease that would endanger the health of the

1 public.

2 (3) If a barber or-barber-apprentice, after securing 3 his certificate, contracts a communicable, infectious, or 4 contagious disease endangering the public health, the board 5 of barbers shall revoke or suspend his certificate of 6 registration until the board has satisfactory proof that the 7 barber or-barber-apprentice is no longer afflicted with the 8 communicable, infectious, or contagious disease."

9 Section 10. Section 37-30-307, MCA, is amended to 10 read:

11 "37-30-307. Fees -- handicapped persons exempted -12 other fees prohibited. <u>{i}-The-fee-to-be-paid-by-an</u>
13 apprentice-for-an-apprentice-examination-and-an-apprentice
14 eard-is-\$25.

15 <u>f2f(1)</u> The fee to be paid by an applicant for an 16 examination to determine his fitness to receive a 17 certificate of registration to practice barbering is \$20 and 18 for the issuance of the certificate an additional \$10.

19 (3)(2) A person registered as a barber or--barber 20 apprentice shall, before July 1 of each year, pay a license 21 fee, set by the board in an amount not to exceed \$15 and 22 based on clerical and administrative costs, for the renewal 23 of his certificate of registration. If a barber fails to 24 have the certificate renewed before July 1 of each year, the 25 barber shall on renewal of the certificate of registration pay a penalty of \$10 in addition to the regular renewal fee.
If a certificate of registration is not renewed within 1
year after the date of expiration, the barber is not
entitled to have the certificate of registration renewed or
a new certificate of registration issued without first
applying for and taking the examination and paying the fees
provided for in this section.

8 (4)(3) However, physically handicapped persons trained q for the barber profession by the department of social and rehabilitation services and certified by that department as 10 having successfully completed a 9-month course in a 11 12 reputable barber college are not required to pay fees and 13 are for a period of 1 year immediately following their 14 training exempt from all except the sanitary provisions of 15 this chapter.

16 (5)(4) No other or additional license or fee may be 17 imposed on barbers or barber-apprentices by a municipality 18 or other subdivision of this state."

19 Section 11. Section 37-30-403, MCA, is amended to 20 read:

21 "37-30-403. Facilities required for licensure --22 inspection. (1) Before a license is issued to conduct a
23 barbershop, school, or college in this state, the
24 barbershop, school, or college must be inspected by the
25 department and approved by the board and shall meet the

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	1	following requirements:	1	de
	2	(a) It must have both not and cold running water	2	
	3	connected with the city water supply. In villages or towns	3	<u>sc</u>
	4	where running water is not available, hot-water tanks shall	4	re
	5	have not less than a 2-gallon capacity with gravity	5	re
	6	pressure. Wastewater shall be disposed of through some	6	th
	7	system carrying it away from the building. This shall be	7	
	8	done by sewer connections or in a manner meeting the	8	be
	9	requirements of the department of health and environmental	9	in
	10	sciences rules, city ordinances, and having the approval of	10	
	ŁT	the city or village board of health, as required by law.	11	re
	12	(b) The headrest of a barber chair must be equipped so	12	
	13	that each customer will be supplied with a clean, fresh	13	
	14	paper or towel.	14	st
	15	(c) It must have a closed cabinet for each chair+ to	15	co
	16	keep instruments in when not in use+ and must have proper	16	
	17	sterilization equipment for immersing instruments before use	17	s e
	18	on each customer.	18	by
	19	(d) It must have a sufficient number of towels so that	19	\$5
	20	eath customer will be served with a clean, laundered towel.	20	
¢.	21	(e) It must be well-lighted, well-ventilated, and kept	21	Wİ
	22	in a clean+ orderly+ and samitary condition at all times•	22	sh
	23	(f) It must pay to the department the required fee.	23	\$2
	24	(2) Barbershops, barber schools, or colleges shall be	24	sc
	25	open for inspection during business hours, to members of the	25	ju

1	department.
Z	(3) The board shall inspect annually each barbershop,
3	school, or college to determine compliance with statutory
4	requirements and board rules. The board may suspend or
5	revoke the license of any barbershop, school, or college
6	that violates statutory requirements or board rules.
7	[4] The board may grant a temporary license to a
8	barbershop, school, or college until such time as the
9	initial inspection is completed."
10	Section 12. Section 37-30-404. MCA, is amended to
11	read:
12	*37-30-404. Barber schools operator license fee
13	potrons, (1) A barber school or college operating in this
14	state must have in charge a person who has had 10 years*
15	continuous experience as a barber.
16	(2) The owner of the school or college shall first
17	secure a permit to operate granted by the board and issued
18	by the department, on payment of an annual license fee of
19	\$50, and shall keep the permit prominently displayed.
20	(3) The owner shall, before commencing business, file
21	with the secretary of state a bond to this state, which
22	shall be approved by the attorney general, in the sum of
23	\$2,000, conditioned on the faithful compliance of the barber
24	school or college with this chapter and the payment of
25	judgments that may be obtained against the school, college,

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1 or owner on account of fraudy misrepresentation + or deceit

2 practiced by them or by their agents.

3 t4t--Borber--schools--or-barber-colleges-may-not-charge
 4 patrons-for-barbering-services-and-materials-renderedw

5 (5)(4) All barber schools or colleges' shall keep
6 prominently displayed a substantial sign as a barber school
7 or barber college.

8 <u>(6)(5)</u> On receiving students, all barber schools or 9 colleges shall immediately apply to the department for 10 student permits on blank forms prescribed by the board." 11 Section 13. Section 37-30-422, MCA, is amended to

12 read:

*37-30-422. Maintenance of sanitary conditions. 13 Barbershops, barber schools, and barber colleges shall be 14 operated and maintained in a sanitary condition in order to 15 16 preserve the public health and prevent the spread of, disease. The board of barbers and in consultation with the 17 18 department of health and environmental sciences may adopt rules to preserve the public health and prevent the spread 19 20 of disease."

21 Section 14. Section 37-30-425, MCA, is amended to 22 read:

23 "37-30-425. Refusal, suspension, or revocation of
24 license. The board may, after notice and opportunity for a
25 hearing, either refuse to issue or renew or may suspend or

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1 revoke a barbershop or barber school or college license for z any one or combination of the following causes: 3 (1) the violation of any of the provisions of 37+30-303; 37-30-403, except subsection (1)(f); 37-30-412; 4 5 37-30-413; and 37-30-421; 6 t2)--conviction--of-a-felonyv-showm-by-a-certified-copy 7 of-the-record-of-the-court-of-conviction; 8 (3)(2) gross malpractice or gross incompetency; 9 (4)(3) continued practice by a person knowingly having LO an infectious or contagious disease: 11 (5)(4) advertising by means of knowingly false or 12 deceptive statements: 13 (6)(5) advertising, practicing, or attempting to 14 practice under a trade name other than one's own: 15 f7)(6) habitual drunkenness or addiction to the use of 16 morphine, cocaine, or other habit-forming drugs; (7) the commission of any of the offenses described 17 in 37-30-203." 18 19 NEW SECTION. Section 15. Admission of licensee from 20 other state. The department may issue, at the board's discretion, a barber's license without examination to a 21 22 person who holds a current license as a barber from another jurisdiction if the board finds that the standards for 23

24 licensure in the other jurisdiction are at least 25 substantially equivalent to those prevailing in this state

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1 and that the applicant is otherwise qualified. 2 Section 16. Repealer. Sections 37-30-304 and 3 37-30-305, MCA, are repeated. 4 Section 17. Codification instruction. Section 15 is intended to be codified as an integral part of Title 37, 5 chapter 6 30, and the provisions of Title 37, chapter 6 30. 6 7 apply to section 15. 8 Section 18. Effective date. This act is effective on 9 passage and approval.

-End-

1 SENATE BILL NO. 452 2 INTRODUCED BY HIMSL, S. BROWN 3 BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE 4 A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE 5 BOARD OF BARBERS UNDER EXISTING STATUTORY AUTHORITY AND 6 RULES: REVISING BOARD MAKEUP; EXEMPTING COSMETOLOGISTS FROM 7 8 PROHIBITIONS UNDER BARBERING LAWS; GIVING THE BOARD 9 AUTHORITY TO GRANT TEMPORARY LICENSES TO BARBERSHOPS; 10 REQUIRING ANNUAL INSPECTIONS OF BARBERSHOPS'S ELIMINATING BARBER APPRENTICESHIP REQUIREMENTS: AUTHORIZING RECIPROCAL 11 LICENSING; DELETING PRICE-SETTING PROVISIONS; DELETING 12 CRIMINAL CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A 13 LICENSE: AMENDING SECTIONS 2-8-103+ 2-15-1625+ 37-30-101+ 14 THROUGH 37-30-303, 37-30-306, 15 37-30-203+ 37-30-301 16 37-30-307. 37-30-403. 37-30-404. 37-30-422. AND 37-30-425. 17 MCA; REPEALING SECTIONS 37-30-304 AND 37-30-305, MCA; AND 18 PROVIDING AN IMMEDIATE EFFECTIVE DATE." 19

20 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, 21 MCA, terminates the Board of Barbers and requires a 22 performance evaluation of the Board by the Legislative Audit 23 Committee; and

24 WHEREAS, as a result of the performance evaluation, the
25 Legislative Audit Committee recommends that the Board of

ı	Barbers be reestablished under existing statutory authority.
2	
3	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
4	Section 1. Reestablishment. The board of barbers is
5	reestablished for 6 years pursuant to 2-18-122 with its
6	existing statutory authority and rules.
7	Section 2. Section 2-8-103. HCA: is amended to read:
8	#2-8-103. Agencies to terminate. (1). The following
9	agencies shall terminate on July 1, 1979:
10	(a) board of abstracters, department of professional
11	and occupational licensing, created by 2-15-1643;
12	(b) board of real estate, department of professional
13	and occupational ficensing, created by 2-15-1642;
14	(c) state board of warm air heatings ventilations and
15	air conditioning, department of professional and
16	occupational licensing, created by 2-15-1656;
17	(d) board of institutions, department of institutions,
18	created by 2-15-2303.
19	(2) The following agencies shall terminate on July 1,
20	1981:
21	(a) commission for human rights, department of labor

22 and industry, created by 2-15-1706;

23 (b) board of athletics, department of professional and

24 occupational licensing, created by 2-15-1661;

25 tc)--board--of--barbersy-department-of-professionsi-and

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· 1 ·	occupational-licensing-created-by-2-15-1625;	ł	<code>fmj(l)</code> board of optometrists. department of
2	td)(c) board of chiropractors, department of	2	professional and occupational licensing, created by
3	professional and occupational licensing, created by	3	2-15-1612;
4	2-15-1613;	4	<pre>fntime: board of osteopathic physicians, department of</pre>
5	(e)(d) board of cosmetologists, department of	5	professional and occupational licensing, created by
6	professional and occupational licensing, created by	6	2-15-1607;
7	2-15-1626;	7	<pre>toj(n) board of pharmacists, department of</pre>
8	<pre></pre>	8	professional and occupational licensing, created by
. 9	and occupational licensing, created by 2-15-1606;	9	2-15-1609;
10	<pre>(g)(f) board of hearing aid dispensers, department of</pre>	10	<pre>tpy(0) board of podiatry examiners. department of</pre>
11	professional and occupational licensing, created by	11	professional and occupational licensing, created by
12	2-15-1616;	12	2-15-1608;
13	(h).(g) board of massage therapists, department of	13	f e) (a) board of psychologists, departm ent of
14	professional and occupational licensing, created by	14	professional and occupational licensing, created by
15	2-15-1627;	15	2-15-1617;
16	(ij<u>(h)</u> ∶Montana state board of medical examiners,	16	<pre>fr)(g) board of radiologic technologists. department</pre>
17	department of professional and occupational licensing.	17	of professional and occupational licensing, created by
18	created by 2-15-1605;	18	2-15-1614;
19	<u>till</u> board of morticians, department of professional	19	(s)[r] board of speech pathologists and audiologists.
; 20	and occupational licensing, created by 2-15-1619;	20	department of professional and occupational licensing.
21	(k)[[]] board of mursing, department of professional	21	created by 2-15-1615;
22	and occupational Hicensing, created by 2-15-1610;	22	<pre>ttp(s) board of veterinarians, department of</pre>
23	<pre>(1)(k) board of nursing home administrators,</pre>	23	professional and occupational licensing, created by
24	department of professional and occupational licensing.	24	2-15-1618;
25	created by 2-15-1611;	25	<pre>full board of veterans' affairs, department of</pre>

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Ł social and rehabilitation services, created by 2-15-2202; 2 sanitarians tvt(u) board of department of 3 professional and occupational licensing, created by 2-15-1631. (3) The following units of state government shall 5 6 terminate on July 1+ 1983: 7 (a) board of aeronautics, department of community affairs, created by 2-15-1103; 8 9 (b) state board of hail insurance, department of 10 agriculture, created by 2-15-3003; (c) board of horse racing, department of professional 11 12 and occupational licensing, created by 2-15-1662; 13 (d) board of livestock, department of livestock, 14 created by 2-15-3102; 15 (e) board of milk control, department of business 16 regulation, created by 2-15-1802; 17 (f) board of oil and gas conservation, department of 18 natural resources and conservation, created by 2-15-3303; 19 [q] Montana outfitters council, department of fish, 20 wildlife, and parks, created by 2-15-3403; 21 (h) public service commission, department of public 22 service regulation, created by 69-1-102; 23 (i) board of water and wastewater operators. 24 department of health and environmental sciences, created by 25 2-15-2105:

1 (i) board of water well contractors, department of professional and occupational licensing, created by 2 2-15-1632. з (4) The following agencies terminate on July 1, 1985: 4 5 (a) the board of public accountants, created by 2-15-1641; 6 7 (b) the board of architects, created by 2-15-1651; (c) state banking board, department of business 8 9 regulation, created by 2-15-1803: 10 (d) the state electrical board, created by 2-15-1654; 11 (e) the board of professional engineers and land 12 surveyors, created by 2-15-1653; 13 (f) office of commissioner of insurance and the 14 insurance department, state auditor's office, created by 15 2-15-1902 and 2-15-1903; (q) office of the securities commissioner, state 16 17 auditor's office, created by 2-15-1901; (h) the board of landscape architects, created by 18 2-15-1652: 19 20 (i) the board of county printing, created by 2-15-11021 21 22 (j) the board of plumbers, created by 2-15-1655; (k) board of physical therapy examiners, created by 23 24 2-15-1628. 25 (5) The following agency terminates on July 1, 1987:

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SB 452

1	the board of barbers, department of professional and
Z	occupational ligensing, created by 2-15-1625."
3	Section 3. Section 2-15-1625. MCA, is amended to read:
4	*2-15-1625. Board of barbers. (1) There is a board of
5	barbers.
6	(2) The board consists of three-members <u>two barbers</u>
7	and one public member who is not a barber appointed by the
. 8	governor. Each <u>barber</u> member shall be a practicing barber
9	who has been a barber in this state for at least 5 years
10	immediately before his appointment.
31	(3) Each member shall serve for a term of 3 years. The
12	governor may remove a member for cause.
13	(4) The board is allocated to the department for
14	administrative purposes only as prescribed in 2-15-121.*
15	Section 4. Section 37-30-101, MCA, is amended to read:
16	"37-30-101. Definitions practice of barbering. (1)
17	Unless the context requires otherwise, as used in this
18	chapter the following definitions apply:
19	(a) "Barbershop" means a place where a person carries
.20	one engages ine practicese or causes to be carried one
21	angaged in. or practiced the business of barbering.
22	(b) "Board" means the board of barbers provided for in
23	2-15~1625.
24	(c) "Department" means the department of professional
25	and occupational dicensing provided for in Title Zy - chapter

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ı	15, part 16.
2	{?}An^aopprentice^aunder-this-chaptery-is-e-persun
3	who-receives-instruction-in-onopprovedbarbenschoolor
4	college
5	in-this-state.
6	(3)[2] Any one or any combination of the following
7	practices, when done upon the human body for tonsorial
8	purposes and not for the treatment of disease or physical or
9	mental ailments and when done for payment, either directly
10	or indirectly, constitutes the practice of barbering:
11	(a) shaving or trimming the beard;
12	(b) cutting the hair;
13	(c) giving facial or scalp massage or treatment with
14	oils, creams, lotions, or other preparations, either by hand
15	or mechanical appliances;
16	(d) singeing or shampooing the hair or applying hair
17	tonic, or dyeing the hair of male persons;
18	<pre>(e) applying cosmetic preparations, antiseptics;</pre>
19	powders, oils, lotions to scalp, face, or neck.
20	(3) The practice of cosmetology by a licensed
21	cosmetologist, including cutting the hair of any person.
22	<u>does not constitute the practice of barbering."</u>
23	Section 5. Section 37-30-203, MCA, is amended to read:
24	№37-30-203+ Powers and duties of board and department
25	conducting examinations rulemaking hiring of

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inspectors --- price-agreements. (1) The department shall. 1 subject to 37-1-101+ conduct practical examinations of 2 3 applicants for-approntize--cords--and for certificates of 4 registration to practice as registered barbers not less than 5 four times a year at times and places the board determines. 6 The examinations shall cover the fundamentals of barbering, dermatology, and sanitation. The department shall issue 7 apprentice-cards-and certificates of registration-8

9 {2} The board may adopt rules for the administration
10 of this chapter.

11 (3) A person hired by the department to make an 12 inspection of a barbershop, school, or college shall be 13 recommended by the board. He shall receive \$30-per-day a 14 <u>salary</u> plus travel expenses as provided for in 2-18-501 15 through 2-18-503, as amended.

(4) -- The----- boord----- may--- approve---- price---- agreements 16 17 establishing-winimum-prices-for-barber-work-which-are-signed 18 and-submitted-to-the-board-by-an-organifad-group-or-groups 19 of--at--teast--75%--of--the-barbers-in-a-city-or-town-if-the boardy-after-ascertaining-by-investigations-and-proofs-as 20 21 the--situation--permits--and--requiresy-finds-that-the-price 22 agreement-is-just-and-with-best-protect--the--public--health and--safety--by--affording--s--sufficient--minimum-price-for 23 24 borber-work-to-enable-the--barbers--to--furnish--modern--and 25 healthful--services-and-oppliances-to-minimize-the-danger-ta

1	t he-public-health-incident- to -this-works-Under-this-chapters
2	o -city-or-townincludestheterritorywithinitshegel
3	}imitsandthe-territory-adjacent-to-it-and-lying-within-3
4	mites-of-its-legal-limitsIn-determining-whethera-price
5	agreementisjustand-will-best-protect-the-public-health
6	andsafetyytheboardshallconsiderallcanditions
7	affectingthe-barber-business-in-its-relation-to-the-public
8	health-and-safety.
9	(5)Indeterminingreasonableminimum-pricesythe
10	board-shall-consider-the-accessory-cost-incurred-in-the-city
11	ortown-to-maintain-a-barbarshop-in-a-cleany-healthfuly-and
12	tonitary-condition.
13	f6}After-making-an-investigationy-the-board-shallby
14	orderfix-the-minimum-price-for-work-usually-performed-in-a
15	b o rb ers hop-in-the-city-or-town-in-which-the-priceagreement
16	hasbeensignedwThe-boord-mayv-on-the-petition-of-50%-of
17	the-barbers-ofthecityortomnyreadjusttheminimum
18	pricesyandthenew-prices-must-be-approved-by-75%-of-the
19	barbers-in-the-city-or-town+
20	†7]This-section-does-not-apply-to-studentswhohave
21	been-enrolled-less-than-9-months-in-a-barber-college-in-this
22	state-or-who-are-not-apprentice-barbersw ⁴
23	Section 6. Section 37-30-301, MCA, is amended to read:
24	M37-30-301. Certificate required. A person may not
25	practice or attempt to practice barbering or-serve-on

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Ł attempt--to--serve--os--enberber-opprentice unless he first Z receives from the department a certificate of registration." 3 Section 7. Section 37-30-302, MCA, is amended to read: "37-30-302. Barber school curriculum approval ---4 5 application for apprenticeship certificate of registration. 6 (1) A school or college of barbering may not be approved by 7 board unless it teaches the curriculum of the the standardized schools approved by the national education 8 9 council of barber examiners.

10 {2} Students of schools or colleges may, after 11 attending the schools for a period of 9 months, make 12 application to the department for an-apprenticeship-cord-to 13 practice-barbering-under-the-immediate-personal--supervision 14 of--a-licensed-barber-for-the-period-of-1-year a certificate 15 of registration.*

16 Section 8. Section 37-30-303, MCA, is amended to read: 17 *37-30-303. Apprenticeship-required-----application 18 Application - examination. (1) A person is qualified to 19 receive a certificate of registration to practice barbering anty by serving-as-an-apprentice-barber-and successfully 20 21 passing an examination conducted by the department, subject to 37-1-101, to determine his fitness to practice barbering. 22 23 (2) An apprentice applicant must file with the 24 department an application setting forth the following 25 information:

1	(a) full name and age of apprentice;
2	(b) name and place of approved barber school;
3	(C) dates of attendance at approved barber school;
4	(d) whether the applicant received a certificate of
5	graduation from an approved barber school; and
6	(e) other information the board considers necessary.
7	(3) An apprentice applicant must successfully pass an
•	
8	<pre>opprentice examination conducted by the department, subject</pre>
9	to 37-1-101, and pay to the department the required fee. The
10	department shall then issue <u>an-opprentice-barbering-cord</u>
11	which-expires2yearsfromthedateofexamination <u>a</u>
12	certificate of registration."
13	Section 9. Section 37-30-306, NCA, is amended to read:
14	"37-30-306. Communicable disease physician's
15	certificate required. (1) A barber or-barber-apprentice may
16	not receive a certificate of registration or renewal until
17	he has presented to the board of barbers a physician's
18	certificate showing him to be free of physical ailments that
10	cercificate showing and to be need of physical answence that
19	would tend to endanger the health of the public. A person
Z0	practicing barbering without a certificate of registration
21	is guilty of a violation of this chapter.
22	(2) It is unlawful for a barberbarber-opprentice, or
23	student of barbering to practice the occupation of a barber
24	or do barber work while he has an infectious, contagious, or

25 communicable disease that would endanger the health of the

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1 public+

2 (3) If a barber or-barbar-apprentice, after securing 3 his certificate, contracts a communicable, infectious, or 4 contagious disease endangering the public health, the board 5 of barbers shall revoke or suspend his certificate of 6 registration until the board has satisfactory proof that the 7 barber or-barber-apprentice is no longer afflicted with the 8 communicable, infectious, or contagious disease.*

9 Section 10. Section 37-30-307. MCA, is amended to 10 read:

11 *37-30-307. Fees -- handicapped persons exempted --12 other fees prohibited. <u>{ii}--The--fee--to--be--paid--by--an</u> 13 apprentice--for--an-apprentice-examination-and-an-apprentice 14 card-is-\$25.

15 <u>t2)(1)</u> The Fee to be paid by an applicant for an 16 examination to determine his' fitness to receive a 17 certificate of registration to practice barbering is \$20 and 18 for the issuance of the certificate an additional \$10.

19 (3)(2) A person registered as a barber or--barber 20 apprentice shall, before July L of each year, pay a license 21 fee, set by the board in an amount not to exceed \$15 and 22 based on clerical and administrative costs, for the renewal 23 of his certificate of registration. If a barber fails to 24 have the certificate renewed before July 1 of each year, the 25 barber shall on renewal of the certificate of registration

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pay a penalty of \$10 in addition to the regular renewal fee.
If a certificate of registration is not renewed within 1
year after the date of expiration, the barber is not
entitled to have the certificate of registration renewed or
a new certificate of registration issued without first
applying for and taking the examination and paying the fees
provided for in this section.

8 (4)(3) However, physically handicapped persons trained 9 for the barber profession by the department of social and rehabilitation services and certified by that department as 10 11 having successfully completed a 9-month course in a reputable barber college are not required to pay fees and 12 are for a period of 1 year immediately following their 13 14 training exempt from all except the sanitary provisions of 15 this chapter.

16 <u>f57(6)</u> No other or additional license or fee may be 17 imposed on barbers or barber-apprentices by a municipality 18 or other subdivision of this state."

19 Section 11. Section 37-30-403, MCA, is amended to 20 read:

21 "37-30-403. Facilities required for licensure --22 inspection. (1) Before a license is issued to conduct a
23 barbershop, school, or college in this state, the
24 barbershop, school, or college must be inspected by the
25 department and approved by the board and shall meet the

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following requirements:	1	department.
(a) It must have both hot and cold running water	2	131 The board shall inspect annually each barbershop;
connected with the city water supply. In villages or towns	3	school, or college to determine compliance with statutory
where running water is not available, hot-water tanks shall	4	requirements and board rules. The board may suspend or
have not less than a 2-gallon capacity with gravity	5	revoke the license of any barbershop; school; or college
pressure. Wastewater shall be disposed of through some	6	that violates statutory requirements or board rules.
system carrying it away from the building. This shall be	7	(4) The board may grant a temporary license to a
done by sewer connections or in a manner meeting the	8	barbershopy school, or college until such time as the
requirements of the department of health and environmental	9	initial inspection is completed."
sciences rules, city ordinances, and having the approval of	10	Section 12. Section 37-30-404, MCA, is amended to
the city or village board of health, as required by law.	- 11	read:
(b) The headnest of a barber chair must be equipped so	12	*37-30-404. Barber schools - operator - license fee
that each customer will be supplied with a cleany fresh	13	patrons. (1) A barber school or college operating in this
paper or towel.	14	state must have in charge a person who has had 10 years*
(c) It must have a closed cabinet for each chair, to	15	continuous experience as a barber.
keep instruments in when not in use, and must have proper	16	(2) The owner of the school or college shall first
sterilization equipment for immersing instruments before use	17	secure a permit to operate granted by the board and issued
on each customer.	18	by the department, on payment of an annual license fee of
(d) It must have a sufficient number of towels so that	19	\$50; and shall keep the permit prominently displayed.
each customer will be served with a clean, laundered towel.	20	(3) The owner shally before commencing business, file
(e) It must be well-lighted, well-ventilated, and kept	21	with the secretary of state a bond to this state, which
in a clean, orderly, and sanitary condition at all times.	22	shall be approved by the attorney general, in the sum of
(f) It must pay to the department the required fee.	23	\$2,000, conditioned on the faithful compliance of the barber
(2) Barbershops, barber schools, or colleges shall be	24	school or college with this chapter and the payment of
open for inspection during business hours, to members of the	25	judgments that may be obtained against the school, college,

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or owner on account of fraudy misrepresentation, or deceit
 practiced by them or by their agents.

3 (+)--Barber--schools--or-barber-colleges-may-not-charge
 4 patrons-for-barbaring-services-and-materials-rendered

5 (5):(4) All barber schools or colleges shall keep 6 prominently displayed a substantial sign as a barber school 7 or barber college.

8 (6)(5) On receiving students, all barber schools or 9 colleges shall immediately apply to the department for 10 student permits on blank forms prescribed by the board." 11 Section 13. Section 37-30-422, MCA, is amended to 12 read:

13 *37-30-422. Haintenance of sanitary conditions. 14 Barbershops, barber schools, and barber colleges shall be 15 operated and maintained in a sanitary condition in order to 16 preserve the public health and prevent the spread of 17 disease. The board of barbers and in consultation with the 18 department of health and environmental sciences may adopt 19 rules to preserve the public health and prevent the spread 20 of disease."

21 Section 14. Section 37-30-425. MCA, is amended to 22 read:

*37-30-425. Refusal, suspension, or revocation of
license. The board may, after notice and opportunity for a
hearing, either refuse to issue or renew or may suspend or

revoke a barbershop or barber school or college license for 1 2 any one or combination of the following causes: 3 (1) the violation of any of the provisions of 4 37-30-303; 37-30-403, except subsection (1)(f); 37-30-412; 5 37-30-413; and 37-30-421; t2)--conviction--of-a-felonyy-shown-by-a-certified-copy 6 7 of-the-record-of-the-court-of-convictiont 8 +3)(2) gross malpractice or gross incompetency; 9 (4)(3) continued practice by a person knowingly having 10 an infectious or contagious disease: 11 (5)(4) advertising by means of knowingly false or 12 deceptive statements; 13 (6)(5) advertising, practicing, or attempting to practice under a trade name other than one's own; 14 15 f7}(6) habitual drunkenness or addiction to the use of 16 morphine, cocaine, or other habit-forming drugs: 17 (18) (7) the commission of any of the offenses described 18 in 37-30-203.* 19 NEW SECTION. Section 15. Admission of licensee from 20 other state. The department may issue, at the board's discretion, a barber's license without examination to a 21 22 person who holds a current license as a barber from another

23 jurisdiction if the board finds that the standards for 24 licensure in the other jurisdiction are at least 25 substantially equivalent to those prevailing in this state

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1 and that the applicant is otherwise qualified. 2 Section 16. Repeater. Sections 37-30-304 and 3 37-30-305, MCA, are repeated. Section 17. Codification instruction. Section 15 is 4 intended to be codified as an integral part of Title 37, 5 chapter 6 30, and the provisions of Title 37, chapter 6 30. 6 7 apply to section 15. 8 Section 18. Effective date. This act is effective on 9 passage and approval.

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SB C	145	21	٢Û	3
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1	SENATE BILL NO+ 452	1	Barbers be reestablished under existing statutory authority.
Z	INTRODUCED BY HINSL. S. BROWN	2	
3	BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE	3	BE IT ENACTED BY THE LEGISLATURE DF THE STATE OF MONTANA:
4		4	Section 1. Reestablishment. The board of barbers is
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE	5	reestablished for 6 years pursuant to 2-18-122 with its
6	BOARD OF BARBERS UNDER EXISTING STATUTORY AUTHORITY AND	6	existing statutory authority and rules.
7	RULES; REVISING BOARD MAKEUP; EXEMPTING COSMETOLOGISTS FROM	7	Section 2. Section 2-8-103, MCA, is amended to read:
8	PROHIBITIONS UNDER BARBERING LAWS; GIVING THE BOARD	8	"2-8-103. Agencies to terminate. [1] The following
9	AUTHORITY TO GRANT TEMPORARY LICENSES TO BARBERSHOPS;	9	agencies shall terminate on July 1, 1979:
10	REQUIRING ANNUAL INSPECTIONS OF BARBERSHOPS; ELIMINATING	10	(a) board of abstracters, department of professional
11	BARBER-APPRENTIEESHIP-REQUIREMENTS; AUTHORIZING RECIPROCAL	11	and occupational licensing, created by 2-15-1643;
12	LICENSING; DELETING PRICE-SETTING PROVISIONS; DELETING	12	(b) board of real estate, department of professional
13	CRIMINAL CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A	13	and occupational licensing, created by 2-15-1642;
14	LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1625, 37-30-101,	14	(c) state board of warm air heating, ventilation, and
15	37-30-203, 3 7-30-301 7 H R886437-30-303 37-30-306,	15	air conditioning, department of professional and
16	37-30-307, 37-30-403, 37-30-404, 37-30-422, AND 37-30-425,	16	occupational licensing, created by 2-15-1656;
17	MCA; REP EALINGSEGTIONS37-30-304-AND-37-30-305MCA1 AND	17	(d) board of institutions, department of institutions,
18	PROVIDING AN IMMEDIATE EFFECTIVE DATE."	18	created by 2-15-2303.
19		19	(2) The following agencies shall terminate on July 1,
20	WHEREAS, the sunset law, sections 2-8-103 and 2-8-112,	20	1981:
21	MCA, terminates the Board of Barbers and requires a	21	(a) commission for human rights, department of labor
22	performance evaluation of the Board by the Legislative Audit	22	and industry, created by 2-15-1706;
23	Committee; and	23	(b) board of athletics, department of professional and
24	WHEREAS, as a result of the performance evaluation, the	24	occupational licensing, created by 2-15-1661;
25	Legislative Audit Committee recommends that the Board of	25	tc}boardofbarbersy-department-of-professions}-and

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REFERENCE BILL

1 occupational-licensingy-created-by-2-15-1625+ Z tdt(c) board of chiropractors, department of 3 professional and occupational licensing, created by 2-15-1613; 4 5 tet(d) board of cosmetologists, department of professional 6 occupational licensing, created by and 7 2-15-1626; 8 ffiel board of dentists, department of professional 9 and occupational licensing, created by 2-15-1606; 10 (q)(f) board of hearing aid dispensers, department of 11 professional and occupational licensing, created by 12 2-15-1616; 13 tht[g] board of massage therapists, department of 14 professional and occupational licensing, created by 15 2-15-1627; 16 fit(h) Montana state board of medical examiners. 17 department of professional and occupational licensing, created by 2-15-1605; 18 19 fit(i) board of morticians, department of professional 20 and occupational licensing, created by 2-15-1619; 21 ##f(j) board of nursing, department of professional 22 and occupational licensing, created by 2-15-1610; 23 ++++(k) board of nursing home administrators. Z4 department of professional and occupational licensing, created by 2-15-1611; 25

1 (#)(1) board öf optometrists, department of 2 professional and occupational licensing. created by 3 2-15-1612; 4 tot(m) board of osteopathic physicians, department of 5 professional and occupational licensing, created by 2-15-1607: 6 7 tot(n) board of pharmacists. department ٥F 8 professional occupational licensing, and created by 9 2-15-1609: 10 tpt(0) board of podiatry examiners, department of 11 professional and occupational licensing, created by 12 Z-15-1608; 13 tat(p) board of psychologists, department of 14 professional occupational licensing, and created by-2-15-1617; 15 16 frf(q) board of radiologic technologists, department of professional and occupational licensing, created by 17 18 2-15-1614: 19 fst(r) board of speech pathologists and audiologists, 20 department of professional and occupational licensing. 21 created by 2-15-1615; 22 ftf(s) board of veterinarians, department of 23 professional and occupational licensing, created by 24 2-15-1618; 25 tut(t) board of veterans' affairs, department o₽

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1 1 social and rehabilitation services, created by 2-15-2202; Z z tvt(u) board of sanitarians• department of 3 professional and occupational licensing, created by 3 4 2-15-1631. 4 5 5 (3) The following units of state government shall 6 terminate on July 1, 1983: 6 7 7 (a) board of aeronautics, department of community 8 affairs, created by 2-15-1103; 8 9 (b) state board of hail insurance, department of 9 10 agriculture, created by 2-15-3003; 10 11 11 (c) board of horse racing, department of professional 12 12 and occupational licensing, created by 2-15-1662; 13 13 (d) board of livestock, department of livestock, 14 created by 2-15-3102; 14 15 15 (e) board of milk control, department of business 16 regulation, created by 2-15-1802; 16 17 17 (f) board of oil and gas conservation, department of 18 natural resources and conservation, created by 2-15-3303; 18 19 19 (q) Montana outfitters council, department of fish, 20 20 wildlife, and parks, created by 2-15-3403; 21 21 (h) public service commission, department of public 22 22 service regulation, created by 69-1-102; 23 23 (i) board of water and wastewater operators, 24 24 department of health and environmental sciences, created by 25 25 2-15-2105:

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(j) board of water well contractors, department of
 professional and occupational licensing, created by
 2-15-1632.

4 (4) The following agencies terminate on July 1, 1985:
5 (a) the board of public accountants, created by
6 2-15-1641;

(b) the board of architects, created by 2-15-1651;

8 (c) state banking board, department of business
9 regulation, created by 2-15-1803;

10 (d) the state electrical board, created by 2-15-1654;
11 (e) the board of professional engineers and land
12 surveyors, created by 2-15-1653;

13 (f) office of commissioner of insurance and the 14 insurance department, state auditor's office, created by 15 2-15-1902 and 2-15-1903:

16 (g) office of the securities commissioner, state 17 auditor's office, created by 2-15-1901;

18 (h) the board of landscape architects, created by 19 2-15-1652;

20 (i) the board of county printing, created by 21 2-15-1102;

22 (j) the board of plumbers, created by 2-15-1655;

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(k) board of physical therapy examiners, created by
 24 2-15-1628.

25 (5) The following agency terminates on July 1, 1987:

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1	the board of barbers, department of professional and	1	15, part
2	occupational licensing, created by 2-15-1625."	2	+2+-
3	Section 3. Section 2-15-1625, MCA, is amended to read:	3	who-recei
4	#2-15-1625. Board of barbers. (1) There is a board of	4	coltege
5	barbers.	5	in- this-s
6	(2) The board consists of three-members <u>twoHREE</u>	6	(2)
7	barbers and one public member who is not a barber appointed	7	WHD RECE
8	by the governor. Each <u>barber</u> member shall be a practicing	8	COLLEGE A
9	barber who has been a barber in this state for at least 5	9	IN THIS S
16	years immediately before his appointment.	10	t it t
11	(3) Each member shall serve for a term of 3 years. The	11	practices
12	governor may remove a member for cause.	12	purposes
13	(4) The board is allocated to the department for	13	mental a
14	administrative purposes only as prescribed in 2-15-121."	14	or indire
15	Section 4. Section 37-30-101, MCA, is amended to read:	15	(a)
16	"37-30-101. Definitions practice of barbering. (1)	16	(b)
17	Unless the context requires otherwise, as used in this	17	(c)
18	chapter the following definitions apply:	18	oils, cre
19	(a) "Barbershop" means a place where a person carries	19	or mechan
-20	on, engages in, practices, for causes to be carried on,	20	(d)
- 21	engaged in. or practiced the business of barbering.	21	tonic, or
22	(b) "Board" means the board of barbers provided for in	22	(e)
23	2-15-1625.	23	powders,
24	(c) "Department" means the department of professional	24	<u>t=</u> 1
25	and occupational licensing provided for in Title 2, chapter	25	cosmetolo

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16. -- An--- apprentice y--- under-this-chaptery-is-a-person ives-instruction-in-an--approved--barber--school--or and--from-a-barber-authorized-to-practice-barbering stater AN "APPRENTICE", UNDER THIS CHAPTER, IS A PERSON IVES_INSTRUCTION IN AN APPROVED BARBER SCHOOL OR NO FROM A BARBER AUTHORIZED TO PRACTICE BARBERING STATE. (2)(3) Any one or any combination of the following s, when done upon the human body for tonsorial and not for the treatment of disease or physical or ailments and when done for payment, either directly ectly, constitutes the practice of barbering: shaving or trimming the beard; cutting the hair; giving facial or scalp massage or treatment with eams, lotions, or other preparations, either by hand nical appliances; singeing or shampooing the hair or applying hair dyeing the hair of male persons; applying cosmetic preparations, antiseptics,

23 powders, oils, lotions to scalp, face, or neck.

4 <u>f3t(4)</u> The practice of cosmetology by a licensed

5 cosmetologist, including cutting the hair of any person,

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Z	Section 5. Section 37-30-203. MCA: is amended to read:
3	"37-30-203. Powers and duties of board and department
4	conducting examinations rulemaking biring of
5	inspectorspriceagreements. (1) The department shall.
6	subject to 37-1-101, conduct practical examinations of
7	applicants for-apprentice-cords-and <u>FOR_APPRENTICE_CARDS_AND</u>
8	for certificates of registration to practice as registered
9	barbers not less than four times a year at times and ρ laces
10	the board determines. The examinations shall cover the
11	fundamentals of barbering, dermatology, and sanitation. The
12	department shall issue apprentice-cords-and <u>APPRENTICE CARDS</u>
13	AND certificates of registration.
14	(2) The board may adopt rules for the administration
15	of this chapter.
16	(3) A person hired by the department to make an
17	inspection of a barbershop, school, or college shall be
18	recommended by the board. He shall receive \$30per-~day <u>a</u>
19	salary plus travel expenses as provided for in 2-18-501
20	through 2-18-503, as amended.
21	(4) Theboardmayapprovepriceagreements
22	establishing-minimum-prices-for-barber-work-which-are-signed
23	andsubmittedto-the-board-by-an-organized-group-or-groups
24	of-at-least-75%-of-the-barbers-in-acityortownifthe
25	boardyafterascertainingby-investigations-and-proofs-as

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does not constitute the practice of barbering."

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L	the-situation-permits-and-requiresyfindsthattheprice
2	øgreementisjustand-will-best-protect-the-public-health
3	and-safety-byaffordingasufficientminimumpricafor
4	borberworktoenablethebarbers-to-furnish-modern-and
5	healthful-services-and-appliances-to-minimize-the-dangerto
6	the-public-health-incident-to-this-works-Under-this-chapterv
7	aeityortownincludestheterritory-within-itj-legal
8	łi#its-and-the-territory-adjacent-to-it-and-łyingwithin∃
9	milesofits-legal-limitsIn-determining-whether-o-price
10	agreement-is-just-and-will-best-protectthepublichealth
11	andsafetytheboardshallconsiderallconditions
12	affecting-the-barber-business-in-its-relation-to-thepublic
13	hed}th-and-safety-
14	(5)Indeterminingreasonableminimum-pricesythe
15	board-shall-consider-the-necessary-cost-incurred-in-the-city
16	or-town-to-maintain-a-barbershop-in-a-cleany-healthfulyand
17	sanitary-condition=
18	totAftermaking-an-investigations-the-board-shall-by
19	order-fix-the-minimum-price-for-work-usually-performed-ina
20	borbershopin-the-city-or-town-in-which-the-price-agreement
21	has-been-signed:-The-board-mayy-on-the-patitionof50%of
22	thebarbersofthecityortownvreadjust-the-minimum
23	prices,-and-the-new-prices-must-be-approved-by75%ofthe
24	berbers-in-the-city-or-town*
25	{7}Thissectiondoes-not- app ly-to-students-who-have

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1	been-enrolled-less-than-9-months-in-a-barber-college-in-this
z	state-or-who-are-not-apprentice-barbers."
3	Section-6=Section-37-30-381;-MEA;-is-amended-to-read;
4	#37-30-301uEertificate-requireduApersonmaynot
5	practiceorattempttopracticebarberingorserve-or
6	attempt-to-serve-as-abarberapprenticeunlesshefirst
7	réceives-from-the-department-a-certificate-of-registration."
8	Section-7*-~Section-37-30-302y-MEAy-is-amended-to-read?
9	¤37-30-3028drberschoofcurriculumapproval
10	application-for-apprenticeship- <u>cortificate-of-registration</u> -
11	{!}-~A~school-or-college-of-barbering-may-not-be-approved-by
12	theboardunlessitteachesthecurriculumofthe
13	standardizedschoolsapproved-bythenational-education
14	council-of-barber-examiners.
15	t2)Studentsofschools-orcollegesmayvafter
16	attendingtheschoolsforaperiodof9monthsy-make
17	application-to-the-department-for-an-apprenticeship-cardto
18	practicebarbering-under-the-immediate-personal-supervision
19	of-a-licensed-barber-for-the-period-of-l-year-<u>acertificate</u>
20	of-registration."
21	Section-8#
22	#37-38-383*Apprenticeshiprequiredapplication
23	<u> </u>
24	receivea-certificate-of-registration-to-practice-barbering
25	only-by-serving-as-anapprenticebarberandsuccessfully

p assingan-examination-conducted-by-the-departmenty-subject
to-37-1-101»-to-determine-his-fitness-to-proctice-barbering»
<u> 121Anapprentice <u>applicant</u>mustfilewiththe</u>
departmentanapplicationsettingforththefollowing
information+
tatfull-name-and-age-of-apprenticet
t b}name-and-place-of-approved-bar ber- school;
{c} dat es-of-attendance-at-approved-barber-school;
td;whather-the-applicant-received acertificateof
graduction-from-an-approved-barber-schoolt-and
{e}otherinformationthe- board-considers-necessary=
(3)An-apprentice-applicant-must-successfully-passan
apprenticeexamination-conducted-by-the-departmenty-subject
to-37-1-101y-and-pay-to-the-department-the-required-feev-The
department-shall-then-issueonapprenticebarberingcard
whichexpires2yearsfromthedateofexamination <u>a</u>
<u>certificate-of-registration+</u>
Section-9Section-37-38-386MCAy-is-amended-to-read:
#37 -30-306 →Eommunicablediseosephysician^s
certificate-required={l}-A-barber-or-barber-apprentice-may
notreceivea-certificate-of-registration-or-renewal-until
he-has-presented-totheboardofbarbersophysician's
certificate-showing-him-to-be-free-of-physical-ailments-that
wouldtendtoendanger-the-health-of-the-public*-A-person
procticing-barbering-without-a-certificateofregistration

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1	feey-set-by-the-board-in-an-amount-nottoexceed\$15and
2	basedon-clerical-and-administrative-costs-for-the-renewal
3	of-his-certificate-of-registration+-Ifabarberfailsto
4	have-the-certificate-renewed-before-July-1-of-each-yearv-the
5	barbershallan-renewal-of-the-certificate-of-registration
6	p oy -a-penalty-of-\$10-in-addition-to-the-regular-renewal-feew
7	If-a-certificate-of-registration-isnotrenewedwithinł
8	yearafterthedateofexpirationthebarberis-not
9	entitled-to-have-the-certificate-of-registration-renewedor
10	anewcertificateofregistrationissuedwithout-first
11	applying-for-and-taking-the-examination-and-paying-thefees
12	provided-for-in-this-section.
13	t4) <u>t3)</u> Howevery-physically-handicapped-persons-trained
14	forthebarberprofession-by-the-department-of-social-and
15	rehabilitation-services-and-certified-by-that-departmentas
16	havingsuccessfullycompleteds9-monthcourseina
17	reputable-barber-college-are-not-required-topayfeesand
18	areforaperiodoflyear-immediately-following-their
19	training-exempt-from-all-except-the-sonitoryprovisionsof
20	this-chapter.
21	(5)<u>(4)</u>Nootherorodditional-license-or-fee-may-b e
22	imposed-on-barbers-or-barber-apprentices-byamunicipality
23	or-other-subdivision-of-this-state="
24	Section 6. Section 37-30-403, MCA, is amended to read:
25	"37-30-403. Facilities required for licensure

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inspection. (1) Before a license is issued to conduct a
barbershop, school, or college in this state, the
barbershop, school, or college must be inspected by the
department and approved by the board and shall meet the
following requirements:

(a) It must have both hot and cold running water 6 7 connected with the city water supply. In villages or towns 8 where running water is not available, hot-water tanks shall 9 have not less than a 2-gallon capacity with gravity pressure. Wastewater shall be disposed of through some 10 11 system carrying it away from the building. This shall be done by sever connections or in a manner meeting the 12 13 requirements of the department of health and environmental 14 sciences rules, city ordinances, and having the approval of 15 the city or village board of health, as required by law.

16 (b) The headrest of a barber chair must be equipped so 17 that each customer will be supplied with a clean, fresh 18 paper or towel.

19 (c) It must have a closed cabinet for each chair, to 20 keep instruments in when not in use, and must have proper 21 sterilization equipment for immersing instruments before use 22 on each customer.

23 (d) It must have a sufficient number of towels so that
24 each customer will be served with a clean, laundered towel.
25 (e) It must be well-lighted, well-ventilated, and kept

in a clean, orderly, and sanitary condition at all times.
 (f) It must pay to the department the required fee.
 (2) Barbershops, barber schools, or colleges shall be
 open for inspection during business hours, to members of the
 department.
 (3) The board shall inspect annually each barbershop.

7 school, or college to determine compliance with statutory 8 requirements and board rules. The board may suspend or 9 revoke the license of any barbershop, school, or college 10 that violates statutory requirements or board rules. 11 (4) The board may grant a temporary license to a 12 barbershop, school, or college until such time as the 13 initial inspection is completed." 14 Section 7. Section 37-30-404. MCA. is amended to read: 15 #37-30-404. Barber schools -- operator -- license fee 16 ---patrons. (1) A barber school or college operating in this 17 state must have in charge a person who has had 10 years* 18 continuous experience as a barber. 19 (2) The owner of the school or college shall first 20 secure a permit to operate granted by the board and issued 21 by the department, on payment of an annual license fee of

22 \$50, and shall keep the permit prominently displayed.

23 (3) The owner shall, before commencing business, file
24 with the secretary of state a bond to this state, which
25 shall be approved by the attorney general, in the sum of

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\$2,000, conditioned on the faithful compliance of the barber
 school or college with this chapter and the payment of
 judgments that may be obtained against the school, college,
 or owner on account of fraud, misrepresentation, or deceit
 practiced by them or by their agents.

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6 (4)--Barber--schools--or-barber-colleges-may-nat-charge
7 patrons-for-barbering-services-and-materials-rendered*

8 (5)(4) All barber schools or colleges shall keep
 9 prominently displayed a substantial sign as a barber school
 10 or barber college.

11 (6)(5) On receiving students, all barber schools or colleges shall immediately apply to the department for 12 13 student permits on blank forms prescribed by the board." 14 Section 8. Section 37-30-422, MCA, is amended to read: 15 "37-30-422. Maintenance of sanitary conditions. Barbershops, barber schools, and barber colleges shall be 16 17 operated and maintained in a sanitary condition in order to 18 preserve the public health and prevent the spread of 19 disease. The board of barbers and in consultation with the 20 department of health and environmental sciences may adopt 21 rules to preserve the public health and prevent the spread 22 of disease."

23 Section 9. Section 37-30-425. MCA, is amended to read:
24 "37-30-425. Refusal, suspension, or revocation of
25 license. The board may, after notice and opportunity for a

1 hearing, either refuse to issue or renew or may suspend or 2 revoke a barbershop or barber school or college license for any one or combination of the following causes: 3 (1) the violation of any of the provisions of 4 5 37-30-308; 37-30-403, except subsection (1)(f); 37-30-412; 6 37-30-413; and 37-30-421; 7 f2}--conviction--of-a-felony-shown-by-a-certified-copy of-the-record-of-the-court-of-conviction; 8 9 (3)(2) gross malpractice or gross incompetency; 10 (4) [3] continued practice by a person knowingly having 11 an infectious or contagious disease; (5)(4) advertising by means of knowingly false or 12 13 deceptive statements; 14 +6+(5) advertising, practicing, or attempting to 15 practice under a trade name other than one's own; 16 +7+(6) habitual drunkenness or addiction to the use of morphine, cocaine, or other habit-forming drugs; 17 (7) the commission of any of the offenses described 18 in 37-30-203." 19 20 NEW SECTION. Section 10. Admission of licensee from other state. The department may issue, at the board's 21 22 discretion, a barber's license without examination to a 23 person who holds a current license as a barber from another

24 jurisdiction if the board finds that the standards for 25 licensure in the other jurisdiction are at least

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1	substantially equivalent to those prevailing in this state
2	and that the applicant is otherwise qualified.
3	Section-16RepeatersSectionsJ7-30-304and
4	37-30 -305v -HEAv-are-repeatedv
5	Section 11. Codification instruction. Section 15 <u>10</u> is
6	intended to be codified as an integral part of Title 37.
7	chapter 6 30, and the provisions of Title 37, chapter 6 30,
8	apply to section 15 10.
9	Section 12. Effective date. This act is effective on
10	passage and approval.

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-End-

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April 17 1981

FREE CONFERENCE COMMITTEE ON SENATE BILL NO. 452

(Report No. 1, April 16, 1981)

MR. PRESIDENT AND SPEAKER OF THE HOUSE:

We, your Free Conference Committee on Senate Bill No. 452, met April 16, 1981, and considered:

House Business and Industry Committee Amendments to the third reading copy, dated March 24, 1981, and recommend as follows:

That the Senate accede to Committee amendment nos. 1 through 11;

That Senate Bill No. 452 be further amended as specified in CLERICAL INSTRUCTION nos. 1 through 3;

That the reference copy of Senate Bill No. 452 read as specified in the CLERICAL INSTRUCTIONS;

And, that the Free Conference Committee Report to Senate Bill No. 452 be adopted.

CLERICAL INSTRUCTIONS:

1. Title, line ll.
Following: "REQUIREMENTS7"
Insert: "REDUCING APPRENTICESHIP TERM;"

2. Title, line 16. Following: "37-30-307," Insert: "37-30-305,"

11

3. Page 14, following line 23.

Insert: "Section 6. Section 37-30-305, MCA, is amended to read: "37-30-305. Application for barber's certificate - examination On completion of 1-year 3 months of apprenticeship under the immediate personal supervision of a licensed barber, an apprentice must apply to the department to take the exam ination for a barber's certificate of registration. An apprentice may take the examination for a barber's certificate of registration as many as three times before expiration of the apprentice card. If an apprentice fails to pass the examination for a barber's certificate of registration three times, he shall surrender the apprentice card to the department and may not be authorized to do the acts which constitute the practice of barbering."" Renumber: subsequent sections.

April 17 19.81

SB 452 FREE CONFERENCE COMMITTEE REPORT NO. 1 Page 2

FOR THE SENATE: Himsl, Cha S. Brown

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FOR THE HOUSE:

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SB 0452/04

Legislative Audit Committee recommends that the Board of

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

5 Section 1. Reestablishment. The board of barbers is
6 reestablished for 6 years pursuant to 2-18-122 with its
7 existing statutory authority and rules.

Barbers be reestablished under existing statutory authority.

8 Section 2- Section 2-8-103, MCA, is amended to read:
9 "2-8-103- Agencies to terminate. (1) The following
10 agencies shall terminate on July 1, 1979:

11 (a) board of abstracters, department of professional 12 and occupational licensing, created by 2-15-1643;

13 (b) board of real estate, department of professional
14 and occupational licensing, created by 2-15-1642;

15 (c) state board of warm air heating, ventilation, and 16 air conditioning, department of professional and 17 occupational licensing, created by 2-15-1656;

18 (d) board of institutions, department of institutions, 19 created by 2-15-2303.

20 (2) The following agencies shall terminate on July 1,
21 1981:

22 (a) commission for human rights, department of labor
23 and industry, created by 2-15-1706;

24 (b) board of athletics, department of professional and

25 occupational licensing, created by 2-15-1661;

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF BARBERS UNDER EXISTING STATUTORY AUTHORITY AND RULES: REVISING BOARD MAKEUP; EXEMPTING COSMETOLOGISTS FROM PROHIBITIONS UNDER BARBERING LAWS; GIVING THE BOARD AUTHORITY TO GRANT TEMPORARY LICENSES TO BARBERSHOPS; REQUIRING ANNUAL INSPECTIONS OF BARBERSHOPS; ELIMINATING BARBER-APPRENTICESHIP-REQUIREMENTS; REDUCING APPRENTICESHIP TERM; AUTHORIZING RECIPROCAL LICENSING: DELETING PRICE-SETTING PROVISIONS; DELETING CRIMINAL CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1625, 37-30-101, 37-30-203, 37-30-30+ FHR886H---37-30-303+---37-30-306+---37-30-307+ 37-30-305. 37-30-403, 37-30-404, 37-30-422, AND 37-30-425, MCA; HEPEALING---5EEFIONS---37-30-304--AND--37-30-305y---MEA+ AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

SENATE BILL NO. 452

INTRODUCED BY HIMSL, S. BROWN

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

19 20

21 WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, 22 MCA, terminates the Board of Barbers and requires a 23 performance evaluation of the Board by the Legislative Audit 24 Committee; and

25 WHEREAS, as a result of the performance evaluation, the

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SB 452 REFERENCE BILL: Includes Free Conference Committee Report Dated <u>4-16-81</u>

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1 tcl--board-of-barbersy-department-of--professional--and 1 created by 2-15-1611; 2 occupational-licensings-created-by-2-15-1625t Ζ (1) board of optometrists, 3 of chiropractors, department of 3 tdf(c) board professional and occupational licensing, created 4 professional and occupational licensing, created by 2-15-1612; 5 2-15-1613: 5 fn) board of osteopathic physicians, department of of cosmetologists. of 6 <u>te)(d)</u> board department 6 professional and occupational licensing. professional and occupational licensing, created 7 bv 7 2-15-1607; 8 2-15-1626; Я to; (n) board of pharmacists, 9 +f+(e) board of dentists, department of professional 9 professional and occupational licensing, created and occupational licensing, created by 2-15-1606; 10 10 2-15-1609; tg)[f] board of hearing aid dispensers, department of 11 11 (p) board of podiatry examiners, department of 12 professional and occupational licensing, created by 12 professional and occupational licensing, created 13 2-15-1616; 13 2-15-1608; 14 tht(g) board of massage therapists, department of 14 tat(p) board of psychologists, and occupational licensing, created by 15 professional and occupational licensing, created 15 professional 16 2-15-1617: 16 2-15-1627: 17 frf(g) board of radiologic technologists, department tit(h) Montana state board of medical examiners, 17 18 of professional and occupational licensing, created by department of professional and occupational licensing, 18 19 2-15-1614; created by 2-15-1605; 19 20 tit(i) board of morticians, department of professional fst(r) board of speech pathologists and audiologists, 20 21 department of professional and occupational licensing. and occupational licensing, created by 2-15-1619; N 101-13-23 created by 2~15-1615; tk)(i) board of nursing, department of professional 22 22 23 ftf(s) board of veterinarians, and occupational licensing, created by 2-15-1610; 23 nursing home administrators, 24 professional and occupational licensing, created (++(k) board 24 of 2-15-1618; 25 department of professional and occupational licensing. 25

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L	<pre>(u)(t) board of veterans* affairs* department of</pre>	1	2-15-2105;
2	social and rehabilitation services, created by 2-15-2202;	2	(j) board of water well contractors, department of
3	{v}(u) board of sanitarians, department of	3	professional and occupational licensing, created by
4	professional and occupational licensing, created by	4	2-15-1632.
5	2~15-1631•	5	(4) The following agencies terminate on July 1, 1985:
6	(3) The following units of state government shall	6	(a) the board of public accountants, created by
7	terminate on July 1. 1983:	7	2-15-1641;
8	(a) board of aeronautics, department of community	8	(b) the board of architects, created by 2-15-1651;
9	affairs, created by 2-15-1103;	9	(C) state banking board, department of business
10	(b) state board of hail insurance, department of	10	regulation, created by 2-15-1803;
11	agriculture, created by 2-15-3003;	11	(d) the state electrical board, created by 2-15-1654;
12	(c) board of horse racing, department of professional	12	(e) the board of professional engineers and land
13	and occupational licensing, created by 2-15-1662;	13	surveyors, created by 2-15-1653;
14	(d) board of livestock, department of livestock,	14	(f) office of commissioner of insurance and the
15	created by 2-15-3102;	15	insurance department, state auditor's office, created by
16	(e) board of milk control, department of business	16	2-15-1902 and 2-15-1903;
17	regulation, created by 2-15-1802;	17	(g) office of the securities commissioner, state
18	(f) board of oil and gas conservation, department of	18	auditor's office, created by 2-15-1901;
19	natural resources and conservation, created by 2-15-3303;	19	(h) the board of landscape architects, created by
20	(g) Montana outfitters council+ department of fish,	20	2-15-1652;
21	wildlife, and parks, created by 2-15-3403;	21	(i) the board of county printing, created by
22	(h) public service commission, department of public	22	2-15-1102;
23	service regulation, created by 69-1-102;	23	(j) the board of plumbers, created by 2-15-1655;
24	(i) board of water and wastewater operators,	24	(k) board of physical therapy examiners, created by
25	department of health and environmental sciences+ created by	25	2-15-1628.

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1	(5) The following agency terminates on July 1, 1987:	1	
z	the board of barbers, department of professional and	2	
3	occupational licensing; created by 2-15-1625;"	3	
4	Section 3. Section 2-15-1625, MCA, is amended to read:	4	١
5	"2-15-1625. Board of barbers. (1) There is a board of	5	•
6	barbers.	6	ł
7	(2) The board consists of threemembers two THREE	7	
8	barbers and one public member who is not a barber appointed	8	ł
9	by the governor. Each <u>barber</u> member shall be a practicing	9	1
10	barber who has been a barber in this state for at least 5	10	-
11	years immediately before his appointment.	11	
12	(3) Each member shall serve for a term of 3 years. The	12	I
13	governor may remove a member for cause.	13	i
14	(4) The board is allocated to the department for	14	
15	administrative purposes only as prescribed in 2-15-121."	15	
16	Section 4. Section 37-30-101, MCA, is amended to read:	16	
17	"37-30-101. Definitions practice of barbering. (1)	17	
18	Unless the context requires otherwise, as used in this	18	
19	chapter the following definitions apply:	19	
20	(a) "Barbershop" means a place where a person carries	20	
21	on, engages ing practices, or causes to be carried on,	21	
22	engayed in, or practiced the business of barbering.	22	f
23	(b) "Board" means the board of barbers provided for in	23	
Z4	2-15-1625.	24	I
25	(c) "Department" means the department of professional	- 25	

	and occupational licensing provided for in Title 2, chapter
	15, part 16.
	{Z}An-"apprentice"y-under-this-chaptery-isaperson
	whoreceivesinstructioninan-approved-barber-school-or
•	college-and-from-a-barber-authorized-topracticebarbering
	in-this-state=
	(2) AN "APPRENTICE", UNDER THIS CHAPTER, IS A PERSON
•	HO RECEIVES INSTRUCTION IN AN APPROVED BARBER SCHOOL OR
ŧ	COLLEGE AND FROM A BARBER AUTHORIZED TO PRACTICE BARBERING
	IN THIS STATE.
	{3}<u>{7</u>][2][3] Any one or any combination of the following
	practices, when done upon the human body for tonsorial
	purposes and not for the treatment of disease or physical or
ŀ	mental ailments and when done for payment, either directly
;	or indirectly, constitutes the practice of barbering:
,	(a) shaving or trimming the beard;
	(b) cutting the hair;
I	(c) giving facial or scalp massage or treatment with
,	oils, creams, lotions, or other preparations, either by hand
l	or mechanical appliances;
	(d) singeing or shampooing the hair or applying hair
	tonic+ or dyeing the hair of male persons;
6	(e) applying cosmetic preparations, antiseptics,
•	powders, oils, lotions to scalp, face, or neck.

5 <u>f31(4) The practice of cosmetology by a licensed</u>

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1	cosmetologist, including cutting the hair of any person,
2	does not constitute the practice of barbering."
3	Section 5. Section 37-30-203, MCA, is amended to read:
4	"37-30-203. Powers and duties of board and department
5	conducting examinations rulemaking hiring of
6	inspectorsprice-agreements. [1] The department shall,
7	subject to 37-1-101, conduct practical examinations of
8	applicants for-opprentice-cords-ond FOR APPRENTICE CARDS AND
9	for certificates of registration to practice as registered
10	barbers not less than four times a year at times and places
11	the board determines. The examinations shall cover the
12	fundamentals of barbering, dermatology, and sanitation. The
13	department shall issue apprentice-cards-and APPRENTICE CARDS
14	AND certificates of registration.
15	(2) The board may adopt rules for the administration
16	of this chapter.
17	(3) A person hired by the department to make an

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18 inspection of a barbershop, school, or college shall be 19 recommended by the board. He shall receive \$30-per-day a 20 salary plus travel expenses as provided for in 2-18-501 21 through 2-18-503, as amended.

22 f4)--Fhe----board----may---approve---price---agreements 23 establishing-minimum-prices-for-barber-work-which-are-signed 24 and-submitted-to-the-board-by-an-organized-group--or--groups 25 of--at--least--75%--of--the-barbers-in-a-city-or-town-if-the

1	boardy-after-ascertaining-by-investigationsandproofsas
2	thesituationpermitsandrequiresy-finds-that-the-price
3	agreement-is-just-and-will-best-protectthepublichealth
4	andsafetybyaffordingasufficientminimum-price-for
5	barber-work-to-enable-thebarberstofurnishmodernand
6	healthfulservices-and-appliances-to-minimize-the-danger-to
7	the-public-health-incident-to-this-workUnder-this-chapter-
8	a-eity-or-townincludestheterritorywithinitslegal
9	limitsandthe-territory-adjacent-to-it-and-lying-within-3
10	miles-of-its-legal-limitsfn-determining-whetheraprice
11	agreementisjustand-will-pest-protect-the-public-health
12	andsafetytheboardshallconsiderallconditions
13	affectingthe-barber-business-in-its-relation-to-the-public
14	heaith-and-safety.
15	{5}Indeterminingreasonableminimumpricesythe
16	board-shall-consider-the-necessary-cost-incurred-in-the-city
17	ortown-to-maintain-a-barbershop-in-a-cleany-healthfuly-and
18	sanîtary-condition#
19	{6}After-making-an-investigationv-the-board-shallby
20	orderfix-the-minimum-price-for-work-usually-performed-in-a
21	barbershop-in-the-city-of-town-in-which-the-priceagreement
22	hasbeensigned+The-board-mayy-on-the-petition-of-50%-of
23	the-barbers-ofthecityortown+readjusttheminimum
24	pricesandthenew-prices-must-be-approved-by-75%-of-the
25	barbers-in-the-city-or-town=

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1	{?}?his-section-does-not-app}y-to-studentswhohave
2	been-enrolled-less-than-9-months-in-a-barber-college-in-this
3	state-or-who-arc-not-opprentice-barbers="
4	Section-6+Section-37-30-301y-MEAy-is-amended-to-read+
5	#37-30-301+Certificaterequired+Aperson-may-not
6	practice-orattempttopracticeborberingorserveor
7	attempttoserveasbarber-apprentice-unless-he-first
8	receives-from-the-department-a-certificate-of-registration="
9	Section-7=Section-37-30-382y-MEAy-is-amended-to-read+
10	#37-30-302+Barberschoolcurficulumapproval
11	<pre>spplicationfor-opprenticeship-certificate-of-registration*</pre>
12	{}}-A-school-or-college -of-barbering-may-not-be-opprovedby
13	theboardunlessitteachesthecurriculum-ofthe
14	standardized-schoolsapprovedbythenationaleducation
15	council-of-barber-examinersy
16	{2}5tudentsofschoolsorcollegesmay+after
17	attending-theschoolsfaraperiodof9monthsymake
18	applicationto-the-department-for-on-apprenticeship-card-to
19	practice-barbering-under-the-immediate-personalsupervision
20	af a-licen sed-b arber-for-the-period-of-l-year-<u>a-certificate</u>
~ £1	<u>of-registration</u> v ^H
2 2 .	Section-8*Section-37-30-303y-MCAy-is-amended-to-read#
23	#37-30-303wApprenticeshiprequiredapplication
24	<u>Applicationexamination{l}-A-person-is-qualified-to</u>
25	receive-a-certificate-of-registration-to-practicebarbering

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1	onlybyservingasan-apprentice-barber-and-successfully
2	passing-on-exomination-conducted-by-the-departmentysubject
3	to-37-1-101y-to-determine-his-fitness-to-practice-barberingv
4	{2}*napprentice <u>applicant</u> mustfilewiththe
5	departmentanapplicationsettingforththefollowing
6	information+
7	tatfull-nome-and-age-of-apprenticet
8	{b}name-and-p}ace-of-approved-barber-school+
9	tet dates-of-attendance-at-approved-barber-schoolt
10	{d}whethertheapplicantreceived-a-certificate-of
11	graduation-from-an-approved-barber-achool;-and
12	{e}ether-information-the-boardconsidersnecessary*
13	(3)Anapprentice-applicant-must-successfully-pass-an
14	apprentice-examination-conducted-by-the-departmentysubject
15	to-37-1-101+-and-pay-to-the-department-the-required-fee+-The
16	departmentshallthenissuean-apprentice-barbering-card
17	which-expires2yearsfromthedateofexamination <u>a</u>
18	certificate-of-registration+"
19	Section-9+Section-37-30-306+-MEA+-is-amended-to-read*
20	#37-30-306≠Communicablediseasephysician≛s
21	certificate-requiredw(1)-A-barber-or-barber-apprentice-may
22	not-receive-a-certificate-of-registration-orrenewaluntil
23	heh aspresente dtotheboardof-b o rb ers -a-physician*s
24	certificate-showing-him-to-be-free-of-physical-ailments-that
25	would-tend-to-endanger-the-health-of-thepublicAperson

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l	practicingbarberingwithout-a-certificate-of-registration
2	is-guiity-of-a-vioiation-of-this-chapter*
3	{}
4	student-of-barbering-to-practice-the-occupation-of-abarber
5	or-do-barber-work-while-he-has-an-infectiousy-contagiousy-or
6	communicablediseasethat-would-endanger-the-health-of-the
7	public.
8	{3}if-a-barber-or-barber-apprenticeyaftersecuring
9	h iseertificatevcontractsa-communicablev-infectiousv-or
10	contagrous-disease-endangering-the-public-healthy-theboard
11	ofbarbersshallrevokeorsuspendhiscertificate-of
12	registration-until-the-board-has-satisfactory-proof-that-the
13	barber-or-barber-apprentice-is-no-tonger-afflicted-withthe
14	communicableinfectrousy-or-contagious-disease.#
15	Section-lowSection37-30-307vMEAvisamendedto
16	read?
17	¥37+30-307*Feeshandicappedpersonsexempted
18	otherfeesprohibited+{t}Thefeetobepaid-by-an
19	apprentice-for-on-apprentice-examination-andanapprentice
20	card-is-s25*
21	{2}<u>{</u>1 /∓hefeetobepaidbyan-applicant-for-an
22	examinationtodeterminehisfitnesstoreceivea
23	certificate-of-registration-to-practice-barbering-is-\$20-and
24	for-the-issuance-of-the-certificate-an-additional-\$10+
25	{3}<u>{2</u>] Apersonregisteredasabarberor-barber

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1	apprentice-shally-before-July-1-of-each-yeary-pay-alicense
2	feeysetbytheboard-in-amount-not-to-exceed-\$15-and
3	based-on-cterical-and-administrative-costsv-for-therenewal
4	ofhiscertificateofregistrationv-lf-a-barber-fails-to
5	have-the-certificate-renewed-before-July-1-of-each-yeary-the
6	barber-shall-on-renewal-of-the-certificateofregistration
7	pay-a-penalty-of-\$10-in-addition-to-the-regular-renewal-feew
8	Ifacertificateofregistration-is-not-renewed-within-1
9	year-afterthedateofexpirationthebarberisnot
10	entitledto-have-the-certificate-of-registration-renewed-or
11	a-newcertificateofregistrationissuedwithoutfirst
12	applyingfor-and-taking-the-examination-and-paying-the-fees
13	provided-for-in-this-section.
14	{4} <u>{3}</u> However+-physically-handicapped-persons-trained
15	for-the-barber-profession-by-the-departmentofsocialand
16	rehabilitationservices-and-certified-by-that-department-as
17	havingsuccessfullycompleteda9-monthcourseina
18	reputablebarbercollegeare-not-required-to-pay-fees-and
19	are-for-a-periodofi-yearimmediatelyfollowingtheir
20	trainingexemptfrom-all-except-the-sanitary-provisions-of
21	this-chapter.
22	t5t <u>t4</u> 1No-other-or-additional-license-orfecmaybe
23	imposedonbarbers-or-barber-apprentices-by-a-municipality
24	or-other-subdivision-of-this-state∗"
25	SECTION 6. SECTION 37-30-3052 MCA. IS AMENDED TO READ:
	-14- SB 452
	-14- 30 432

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1 "37-30-305. Application for barber's certificate -2 examination. On completion of 1-year 3 months of 3 apprenticeship under the immediate personal supervision of a 4 licensed barber, an apprentice must apply to the department 5 to take the examination for a barber's certificate of 6 registration. An apprentice may take the examination for a 7 barber's certificate of registration as many as three times 8 before expiration of the apprentice card. If an apprentice 9 fails to pass the examination for a barber's certificate of 10 registration three times, he shall surrender the apprentice 11 card to the department and may not be authorized to do the 12 acts which constitute the practice of barbering." 13 Section 7. Section 37-30-403, MCA, is amended to read: 14 "37-30-403. Facilities required for licensure --15 inspection. (1) Before a license is issued to conduct a 16 barbershop, school, or college in this state, the 17 barbershop, school, or college must be inspected by the

18 department and approved by the board and shall meet the 19 following requirements:

20 (a) It must have both hot and cold running water see 24: connected with the city water supply. In villages or towns 22 where 'running water is not available, hot-water tanks shall 23 have not less than a 2-gallon capacity with gravity 24 pressure. Wastewater shall be disposed of through some 25 system carrying it away from the building. This shall be done by sewer connections or in a manner meeting the
 requirements of the department of health and environmental
 sciences rules, city ordinances, and having the approval of
 the city or village board of health, as required by law,

5 (b) The headrest of a barber chair must be equipped so
6 that each customer will be supplied with a clean, fresh
7 paper or towel.

8 (c) It must have a closed cabinet for each chair, to 9 keep instruments in when not in use, and must have proper 10 sterilization equipment for immersing instruments before use 11 on each customer.

12 (d) It must have a sufficient number of towels so that
13 each customer will be served with a clean, laundered towel.
14 (e) It must be well-lighted, well-ventilated, and kept
15 in a clean, orderly, and sanitary condition at all times.

16 (f) It must pay to the department the required fee.

17 (2) Barbershops, barber schools, or colleges shall be
18 open for inspection during business hours, to members of the
19 department.

(3) The board shall inspect annually each barbershop.
school, or college to determine compliance with statutory
requirements and board rules. The board may suspend or
revoke the license of any barbershop. school, or college
that violates statutory requirements or board rules.
(4) The board may grant a temporary license to a

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collegeuntil_suchtimeasthe	1	colleges shall immediately apply to the department for
pleted."	Z	student permits on blank forms prescribed by the board."
37-30-404, MCA, is amended to read:	3	Section 9. Section 37-30-422, MCA, is amended to read:
schools operator license fee	4	"37-30-422. Maintenance of sanitary conditions.
school or college operating in this	5	Barbershops, barber schools, and barber colleges shall be
a person who has had 10 years'	6	operated and maintained in a sanitary condition in order to
a barber.	7	preserve the public health and prevent the spread of
the school or college shall first	8	disease. The board of barbers and in consultation with the
e granted by the board and issued	9	department of health and environmental sciences may adopt
payment of an annual license fee of	10	rules to preserve the public health and prevent the spread
ermit prominently displayed.	11	of disease."
• before commencing business• file	12	Section 10. Section 37-30-425, MCA, is amended to
state a bond to this state, which	13	read:
attorney general, in the sum of	14	"37-30-425. Refusal, suspension, or revocation of
e faithful compliance of the barber	15	license. The board may, after notice and opportunity for a
this chapter and the payment of	16	hearing, either refuse to issue or renew or may suspend or
ained against the school, college,	17	revoke a barbershop or barber school or college license for
fraud, misrepresentation, or deceit	18	any one or combination of the following causes:
heir agents.	19	(1) the violation of any of the provisions of
or-barber-colleges-maynotcharge	20	37-30-308; 37-30-403, except subsection (1)(f); 37-30-412;
vices-and-materials-rendered.	21	37-30-413; and 37-30-421;
schools or colleges shall keep	22	{2}-conviction-of-a-fe lonyv-shown-by-a-certified-copy
upstantial sign as a barber school	23	of-the-record-of-the-court-of-conviction;
	24	<pre>f3t121 gross malpractice or gross incompetency;</pre>
g students, all barber schools or	25	(4)(3) continued practice by a person knowingly having

1 barbershop+ school+ or c 2 initial inspection is comp

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> Section 8. Section 3 3 4 "37-30-404. Barber ---patrons. (1) A barber s 5

6 state must have in charge 7 continuous experience as a

8 (2) The owner of 9 secure a permit to operate 10 by the department, on p 11 \$50, and shall keep the pe

12 (3) The owner shall, 13 with the secretary of 14 shall be approved by the a 15 \$2,000, conditioned on the 16 school or college with 17 judgments that may be obta 18 or owner on account of f 19 practiced by them or by th

20 (4)--Barber-schools-o

21 patrons-for-barbering-serv

22 (5)(4) All barber 23 prominently displayed a su 24 or barber college.

25 (6)(5) On receiving

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an infectious or contagious disease;
(5)(4) advertising by means of knowingly false or
deceptive statements;
(6)(5) advertising, practicing, or attempting to
practice under a trade name other than one's own;
(7)(6) habitual drunkenness or addiction to the use of
morphine, cocaine, or other habit-forming drugs;

8 (8)(1) the commission of any of the offenses described
9 in 37-30-203.*

10 NEW SECTION. Section 11. Admission of licensee from 11 other state. The department may issue, at the board's 12 discretion, a barber's license without examination to a 13 person who holds a current license as a barber from another 14 jurisdiction if the board finds that the standards for 15 licensure in the other jurisdiction are at least substantially equivalent to those prevailing in this state 16 17 and that the applicant is otherwise qualified.

18 Section-l6---Repeater----Sections----37-30-304----and

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19 37-30-305+-MEA+-are-repeated+

20 Section 12. Codification instruction. Section 15 10 11 -21 is intended to be codified as an integral part of Title 37. 22 chapter 6 30, and the provisions of Title 37, chapter 6 30, 23 apply to section 15 10.

24 Section 13. Effective date. This act is effective on 25 passage and approval.

> -19--End-

HOUSE BUSINESS AND INDUSTRY COMMITTEE amendments to SENATE BILL 452 in the third reading copy are as follows: 1. Title, lines 10 and 11. Following: "BARBERSHOPS;" on line 10 Strike: the remainder of line 10 through "REQUIREMENTS;" on line 11 2. Title, lines 15 and 16. Following: "37-30-203," on line 15 Strike: the remainder of line 15 through "37-30-307," on line 16 3. Title, line 17. Following: "MCA;" Strike: "REPEALING SECTIONS 37-30-304 AND 37-30-305, MCA;" 4. Page 7, lines 6 and 7. Following: "members" on line 6 Strike: "two" Insert: "three" 5. Page 8, following line 5. Insert: "(2) An "apprentice", under this chapter, is a person who receives instruction in an approved barber school or college and from a barber authorized to practice barbering in this state." Renumber: subsequent subsections 6. Page 9, line 3. Following: "and" Insert: "for apprentice cards and" 7. Page 9, line 8. Following: "and" Insert: "apprentice cards and" 8. Page 10, line 24 through page 14, line 18. Strike: Sections 6, 7, 8, 9, and 10 in their entirety Renumber: subsequent sections 9. Page 19, lines 2 and 3. Strike: Section 16 in its entirety Renumber: subsequent sections 10. Page 19, line 4. Following: "instruction. Section" Strike: "15" Insert: "10" 11. Page 19, line 7. Following: "section" Strike: "15" Insert: "10" BE CONCURRED IN AS AMENDED