

HOUSE BILL NO. 107

INTRODUCED BY MILLER

IN THE HOUSE

January 7, 1985	Introduced and referred to Committee on Business and Labor.
January 11, 1985	Fiscal Note requested.
January 14, 1985	Fiscal Note returned.
January 15, 1985	Committee recommend bill do pass as amended. Report adopted.
January 16, 1985	Bill printed and placed on members' desks.
January 17, 1985	Second reading, do pass.  Considered correctly engrossed.
January 18, 1985	Third reading, passed. Transmitted to Senate.

IN THE SENATE

January 19, 1985	Introduced and referred to Committee on Public Health, Welfare, and Safety.
January 28, 1985	Committee recommend bill be concurrred in. Report adopted.
January 29, 1985	Second reading, concurrred in.
January 31, 1985	Third reading, concurrred in. Ayes, 48; Noes, 1.  Returned to House.

IN THE HOUSE

January 31, 1985                      Received from Senate.  
Sent to enrolling.

February 5, 1985                      Reported correctly enrolled.  
Signed by Speaker.

February 6, 1985                      Signed by President.  
Delivered to Governor.

February 9, 1985                      Returned from Governor with  
recommended amendments.

February 11, 1985                      Second reading, Governor's  
recommended amendments  
concurred in.

February 12, 1985                      Third reading, Governor's  
recommended amendments  
concurred in.  
Transmitted to Senate.

IN THE SENATE

February 15, 1985                      Second reading, Governor's  
recommended amendments  
concurred in.

February 18, 1985                      Third reading, Governor's  
recommended amendments  
concurred in.    Ayes, 48;  
Noes, 0.  
  
Returned to House.

IN THE HOUSE

February 19, 1985                      Received from Senate.  
Sent to enrolling.  
Reported correctly enrolled.

1                                    HOUSE BILL NO. 107

2    INTRODUCED BY MILLER

3

4    A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS

5    GOVERNING THE PRACTICE OF ELECTROLOGY; REQUIRING ELECTROLOGY

6    SCHOOLS AND TEACHERS TO BE LICENSED; GRANTING THE BOARD OF

7    COSMETOLOGISTS AUTHORITY TO ADOPT RULES REGULATING SCHOOLS

8    AND LICENSEES AND TO ADOPT SANITARY STANDARDS; AMENDING

9    SECTIONS 37-32-201, 37-32-301, AND 37-32-304, MCA; AND

10   PROVIDING EFFECTIVE DATES."

11

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

13        Section 1. Section 37-32-201, MCA, is amended to read:

14        "37-32-201. Rulemaking power. (1) The board may

15        adopt rules in accordance with the Montana Administrative

16        Procedure Act to implement this chapter and to properly

17        regulate this profession.

18        (2) Rules adopted by the board may provide for:

19            (a) the conduct of board business;

20            (b) the qualifications, examination, and licensure of

21            applicants to practice or teach electrology;

22            (c) standards and requirements for licensure of

23            premises to be used for the practice or teaching of

24            electrology;

25            (d) the curriculum and conduct of schools of

1    electrology;

2            (e) sanitary standards for licensees, salons, and

3            schools, with particular reference to the precautions

4            necessary to prevent the creation and spread of infectious

5            and contagious diseases; and

6            (f) the conduct of persons, salons, and schools

7            licensed under this chapter."

8            Section 2. Section 37-32-301, MCA, is amended to read:

9            "37-32-301. License required. (1) No person may

10            represent himself to be an electrologist or engage in the

11            practice or teaching of electrology unless he is licensed

12            under this chapter.

13            (2) Applications for licensure or renewal of a license

14            must be made to the department on forms provided by the

15            department. The application must be accompanied by the

16            appropriate fee."

17            Section 3. Section 37-32-304, MCA, is amended to read:

18            "37-32-304. Electrology salon or school license

19            required. (1) The premises in which an electrologist or

20            electrologists may practice shall must be licensed in

21            accordance with rules adopted by the board. Rules adopted by

22            the board shall provide for equipment standards and sanitary

23            rules so that the health of the individual patron is

24            properly protected.

25            (2) The premises in which electrology is taught must

1 be licensed in accordance with rules adopted by the board  
2 pursuant to 37-32-201.

3 (3) Applications for licensure or renewal under this  
4 section must be made to the department on forms provided by  
5 the department. Applications must be accompanied by the  
6 proper licensure or renewal fee and the inspection fee  
7 required by [section 4]."

8 NEW SECTION. Section 4. Inspection. (1) The  
9 department shall appoint inspectors to inspect electrology  
10 schools and salons and perform other duties as the  
11 department may direct. Inspectors may enter electrology  
12 salons and schools during business hours for the purpose of  
13 evaluating whether the premises qualify for licensure or  
14 otherwise meet standards established by the board.

15 (2) Upon application for issuance or renewal of a  
16 license, an electrology salon or school shall pay an  
17 inspection fee prescribed by the board.

18 (3) The board may authorize the department to grant an  
19 electrology salon or school, upon payment of an inspection  
20 fee, a temporary permit authorizing the electrology  
21 establishment to operate for a period of not to exceed 90  
22 days or until an inspector is able to make the inspection,  
23 whichever event occurs first. This temporary permit is not  
24 renewable.

25 (4) The board may conduct periodic inspections of

1 electrology salons and schools within this state to  
2 determine compliance with this chapter and rules adopted to  
3 implement it.

4 NEW SECTION. Section 5. Refusal, revocation, or  
5 suspension of licenses -- grounds -- notice and hearing.

6 (1) The board may deny, refuse to renew, revoke, suspend,  
7 or take other disciplinary action against a licensee in any  
8 of the following cases:

9 (a) failure of a person, firm, partnership, or  
10 corporation operating an electrology salon or school of  
11 electrology to comply with this chapter or rules adopted  
12 under this chapter;

13 (b) failure to comply with sanitary rules adopted by  
14 the board for the regulation of electrology salons or  
15 schools of electrology;

16 (c) gross malpractice or repeated malpractice;

17 (d) continued practice by a person knowingly having an  
18 infectious or contagious disease;

19 (e) habitual drunkenness or addiction to any  
20 habit-forming drug;

21 (f) permitting a license to be used when the holder is  
22 not personally, actively, and continuously engaged in  
23 business;

24 (g) unprofessional conduct as defined by rules of the  
25 board; or

1           (h) failure to display the license.  
2           (2) Title 2, chapter 4, part 6, applies to all  
3 contested cases under this chapter.  
4           NEW SECTION. Section 6. Codification instruction.  
5 Sections 4 and 5 are intended to be codified as an integral  
6 part of Title 37, chapter 32, and the provisions of Title  
7 37, chapter 32, apply to sections 4 and 5.  
8           NEW SECTION. Section 7. Effective dates.  
9 (1) Section 1 is effective on passage and approval.  
10           (2) Rules adopted pursuant to section 1 may not take  
11 effect before October 1, 1985.

-End-

STATE OF MONTANA

REQUEST NO. FNN072-85

FISCAL NOTE

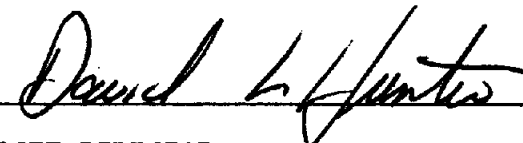
Form **BD-15**

In compliance with a written request received 01-11-85, 19\_\_\_\_, there is hereby submitted a Fiscal Note for H.B. 107 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA). Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

"REVISING THE LAWS GOVERNING THE PRACTICE OF ELECTROLOGY; REQUIRING ELECTROLOGY SCHOOLS AND TEACHERS TO BE LICENSED; GRANTING THE BOARD OF COSMETOLOGISTS AUTHORITY TO ADOPT RULES REGULATING SCHOOLS AND LICENSEES AND TO ADOPT RULES REGULATING SANITARY STANDARDS; AMENDING SECTIONS 37-32-201, 37-32-301, AND 37-32-304, MCA; AND PROVIDING EFFECTIVE DATES."

Assume no additional costs will be incurred as Board of Cosmetologists have been performing inspections and licensing functions under assumption they had authority. No schools are foreseen being established in next biennium.

FISCAL IMPACT: NONE

  
\_\_\_\_\_  
BUDGET DIRECTOR  
Office of Budget and Program Planning  
Date: Jan 14, 1985

APPROVED BY COMM. ON  
BUSINESS AND LABOR

HOUSE BILL NO. 107

INTRODUCED BY MILLER

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE LAWS GOVERNING THE PRACTICE OF ELECTROLOGY; REQUIRING ELECTROLOGY SCHOOLS AND TEACHERS TO BE LICENSED; GRANTING THE BOARD OF COSMETOLOGISTS AUTHORITY TO ADOPT RULES REGULATING SCHOOLS AND LICENSEES AND TO ADOPT SANITARY STANDARDS; AMENDING SECTIONS 37-32-201, 37-32-301, AND 37-32-304, MCA; AND PROVIDING EFFECTIVE DATES."

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

Section 1. Section 37-32-201, MCA, is amended to read:

"37-32-201. Rulemaking power. (1) The board may adopt rules in accordance with the Montana Administrative Procedure Act to implement this chapter and to properly regulate this profession.

(2) Rules adopted by the board may provide for:

(a) the conduct of board business;

(b) the qualifications, examination, and licensure of applicants to practice or teach electrology;

(c) standards and requirements for licensure of premises to be used for the practice or teaching of electrology;

(d) the curriculum and conduct of schools of

electrology;

(e) sanitary standards for licensees, salons, and schools, with particular reference to the precautions necessary to prevent the creation and spread of infectious and contagious diseases; and

(f) the conduct of persons, salons, and schools licensed under this chapter."

Section 2. Section 37-32-301, MCA, is amended to read:

"37-32-301. License required. (1) No person may represent himself to be an electrologist or engage in the practice or teaching of electrology unless he is licensed under this chapter.

(2) Applications for licensure or renewal of a license must be made to the department on forms provided by the department. The application must be accompanied by the appropriate fee."

Section 3. Section 37-32-304, MCA, is amended to read:

"37-32-304. Electrology salon or school license required. (1) The premises in which an electrologist or electrologists may practice shall must be licensed in accordance with rules adopted by the board. Rules adopted by the board shall provide for equipment standards and sanitary rules so that the health of the individual patron is properly protected.

(2) The premises in which electrology is taught must



1 be licensed in accordance with rules adopted by the board  
2 pursuant to 37-32-201.

3 (3) Applications for licensure or renewal under this  
4 section must be made to the department on forms provided by  
5 the department. Applications must be accompanied by the  
6 proper license or renewal fee and the inspection fee  
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10 schools and salons and perform other duties as the  
11 department may direct. Inspectors may enter electrology  
12 salons and schools during business hours for the purpose of  
13 evaluating whether the premises qualify for licensure or  
14 otherwise meet standards established by the board.

15 (2) Upon application for issuance ~~or--renewal~~ of a  
16 license, an electrology salon or school shall pay an  
17 inspection fee prescribed by the board.

18 (3) The board may authorize the department to grant an  
19 electrology salon or school, upon payment of an inspection  
20 fee, a temporary permit authorizing the electrology  
21 establishment to operate for a period of not to exceed 90  
22 days or until an inspector is able to make the inspection,  
23 whichever event occurs first. This temporary permit is not  
24 renewable.

25 (4) The board may conduct periodic inspections of

1 electrology salons and schools within this state to  
2 determine compliance with this chapter and rules adopted to  
3 implement it.

4 NEW SECTION. Section 5. Refusal, revocation, or  
5 suspension of licenses -- grounds -- notice and hearing.  
6 (1) The board may deny, refuse to renew, revoke, suspend,  
7 or take other disciplinary action against a licensee in any  
8 of the following cases:

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10 corporation operating an electrology salon or school of  
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12 under this chapter;

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14 the board for the regulation of electrology salons or  
15 schools of electrology;

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17 (d) continued practice by a person knowingly having an  
18 infectious or contagious disease;

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20 habit-forming drug;

21 (f) permitting a license to be used when the holder is  
22 not personally, actively, and continuously engaged in  
23 business;

24 (g) unprofessional conduct as defined by rules of the  
25 board; or



1 (h) failure to display the license.

2 (2) Title 2, chapter 4, part 6, applies to all  
3 contested cases under this chapter.

4 NEW SECTION. SECTION 6. EXTENSION OF AUTHORITY. ANY  
5 EXISTING AUTHORITY OF THE DEPARTMENT OF COMMERCE TO MAKE  
6 RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS  
7 EXTENDED TO THE PROVISIONS OF THIS ACT.

8 NEW SECTION. Section 7. Codification instruction.  
9 Sections 4 and 5 are intended to be codified as an integral  
10 part of Title 37, chapter 32, and the provisions of Title  
11 37, chapter 32, apply to sections 4 and 5.

12 NEW SECTION. Section 8. Effective dates.  
13 (1) Section 1 is effective on passage and approval.

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16 license, an electrology salon or school shall pay an  
17 inspection fee prescribed by the board.

18 (3) The board may authorize the department to grant an  
19 electrology salon or school, upon payment of an inspection  
20 fee, a temporary permit authorizing the electrology  
21 establishment to operate for a period of not to exceed 90  
22 days or until an inspector is able to make the inspection,  
23 whichever event occurs first. This temporary permit is not  
24 renewable.

25 (4) The board may conduct periodic inspections of

1 electrology salons and schools within this state to  
2 determine compliance with this chapter and rules adopted to  
3 implement it.

4 NEW SECTION. Section 5. Refusal, revocation, or  
5 suspension of licenses -- grounds -- notice and hearing.

6 (1) The board may deny, refuse to renew, revoke, suspend,  
7 or take other disciplinary action against a licensee in any  
8 of the following cases:

9 (a) failure of a person, firm, partnership, or  
10 corporation operating an electrology salon or school of  
11 electrology to comply with this chapter or rules adopted  
12 under this chapter;

13 (b) failure to comply with sanitary rules adopted by  
14 the board for the regulation of electrology salons or  
15 schools of electrology;

16 (c) gross malpractice or repeated malpractice;

17 (d) continued practice by a person knowingly having an  
18 infectious or contagious disease;

19 (e) habitual drunkenness or addiction to any  
20 habit-forming drug;

21 (f) permitting a license to be used when the holder is  
22 not personally, actively, and continuously engaged in  
23 business;

24 (g) unprofessional conduct as defined by rules of the  
25 board; or

1 (h) failure to display the license.

2 (2) Title 2, chapter 4, part 6, applies to all  
3 contested cases under this chapter.

4 NEW SECTION. SECTION 6. EXTENSION OF AUTHORITY. ANY  
5 EXISTING AUTHORITY OF THE DEPARTMENT OF COMMERCE TO MAKE  
6 RULES ON THE SUBJECT OF THE PROVISIONS OF THIS ACT IS  
7 EXTENDED TO THE PROVISIONS OF THIS ACT.

8 NEW SECTION. Section 7. Codification instruction.  
9 Sections 4 and 5 are intended to be codified as an integral  
10 part of Title 37, chapter 32, and the provisions of Title  
11 37, chapter 32, apply to sections 4 and 5.

12 NEW SECTION. Section 8. Effective dates.

13 (1) ~~Section--i--is~~ SECTIONS 1 AND 6 AND THIS SECTION ARE  
14 effective on passage and approval.

15 (2) Rules adopted pursuant to ~~section-i~~ SECTIONS 1 AND  
16 6 may not take effect before October 1, 1985.

-End-

PROPOSED GOVERNOR'S AMENDMENTS  
TO HOUSE BILL NO. 107,  
REFERENCE COPY

1. Page 5, line 13  
Following: "(1)"  
Strike: "Section 1 is"  
Insert: "Sections 1 and 6 and this section are"
  
2. Page 5, line 14  
Following: "to"  
Strike: "section 1"  
Insert: "sections 1 and 6"