HOUSE BILL NO. 561

INTRODUCED BY MILLER

BY REQUEST OF THE BOARD OF COSMETOLOGISTS

IN THE HOUSE

January 30, 1985	Introduced and referred to Committee on Business and Labor.			
February 21, 1985	Committee recommend bill do pass as amended. Report adopted.			
	Bill printed and placed on members' desks.			
February 22, 1985	Second reading, do pass.			
	Considered correctly engrossed.			
February 23, 1985	Third reading, passed.			
	Transmitted to Senate.			
IN THE SENATE				
March 4, 1985	Introduced and referred to Committee on Public Health, Welfare and Safety.			
March 16, 1985	Committee recommend bill be concurred in. Report adopted			
March 21, 1985	Second reading, concurred in.			
March 23, 1985	Third reading, concurred in. Ayes, 49; Noes, 0.			

Returned to House.

IN THE HOUSE

March 25, 1985

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Received from Senate. Sent to enrolling. Reported correctly enrolled.

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5 .	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE
6	LAWS RELATING TO COSMETOLOGY; AMENDING SECTIONS 37-31-101,
7	37-31-304, 37-31-305, 37-31-308, 37-31-312, AND 37-31-322,
8	MCA; REPEALING SECTION 37-31-306, MCA; AND PROVIDING AN
9	IMMEDIATE EFFECTIVE DATE."
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11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
1 2	Section 1. Section 37-31-101, MCA, is amended to read:
13	"37-31-101. Definitions. Unless the context requires
14	otherwise, in this chapter the following definitions apply:
15	 "Practice and teaching of cosmetology" includes
16	work generally and usually included in the terms
17	"hairdressing" and "beauty culture" and performed in
18	so-called hairdressing and beauty shops or by itinerant
19	cosmetologists, which work is done for the embellishment,
20	cleanliness, and beautification of the hair, scalp, face,
21	arms, or hands. The practice and teaching of cosmetology
22	shall not be construed to include:

ta) itinerant cosmetologists who perform their
 services without compensation for demonstration purposes in
 any regularly established store or place of business holding

Nontana Legislative Council

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a license from the state of Montana as such store or place 1 2 of business;-or. 3 {b}--cosmetological----artists-----who----demonstrate cosmetological--skills--under--the--auspices--of--the--state 4 5 association--of-cosmetology-or-its-affiliated-unitsr-whether 6 at-meetings-or-in-licensed-cosmetological-establishments-2 (2) "Cosmetological establishment" means premises, building, or part of a building in which is practiced a 8 branch or combination of branches of cosmetology or the 9 occupation of a hairdresser and cosmetician or cosmetologist 10 and which must have a manager-operator in charge. 11 (3) "Board" means the board of cosmetologists provided 12 13 for in 2-15-1857. (4) "Department" means the department of commerce 14 provided for in Title 2, chapter 15, part 18." 15 Section 2. Section 37-31-304, MCA, is amended to read: 16 "37-31-304. Qualifications of applicants for license 17 18 practice. (1) Before one may practice or teach to 19 cosmetology or a person, firm, partnership, or corporation 20 may operate a school of cosmetology, the person, firm, partnership, or corporation must obtain a license or 21 certificate of registration from the department. 22 23 (2) To be eligible to take the examination to practice cosmetology, the applicant must be not less than 18 years of 24

age, a graduate of the 8th grade, and of good moral

-2- INTRODUCED BILL HB 561 character. The applicant must have completed a continuous course of study of at least 2,000 hours in a registered beauty school, which course of study has been distributed over a period of not less than 10 months or more than 14 months, and must have received a diploma from the beauty school or must have completed the course of study in cosmetology prescribed by the board of public education.

8 (3) The person qualified must shall file with the 9 department a written application to take the examination; 10 accompanied-by-a-health-certificate-issued-by-a--registered; 11 licensed-physician-on-a-form-supplied-by-the-department; and 12 shall deposit with the department the required examination 13 fee and pass an examination as to his fitness to practice 14 cosmetology."

15 Section 3. Section 37-31-305, MCA, is amended to read:
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17 to teach. Before an applicant may take an examination to
18 obtain a license as a teacher of cosmetology, he must:

19 (1) be a graduate of high school or possess an
20 equivalent of a high school diploma recognized by the
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(2) (a) have a license to practice cosmetology issued
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registered school of cosmetology approved by the board,
 certifying satisfactory completion of 500 650 hours of
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Section 4. Section 37-31-308, MCA, is amended to read: 7 "37-31-308. Examination -- reexamination -- exemption 8 for handicapped persons. (1) Examinations for a license to 9 10 practice or teach cosmetology shall be held at a-place-and 11 time places and times specified by the board at--teast--two times--a--year--and--not-more-than-five-times-a-year-and-for 12 teacher+s-license-once-each-year. The examinations shall be 13 14 conducted by the department, subject to 37-1-101. The 15 examinations may not be confined to a specific method or 16 system.

17 (2) Anyone failing twice to pass an the examination
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1 license to teach cosmetology must wait 1 year before 7 reapplying to take the examination. Upon reapplying, the 8 applicant must provide certification of completion of 500 9 hours of teacher training during that year in a registered 9 school licensed as a teacher training unit.

(4) Physically handicapped persons trained for 6 cosmetology by the department of social and rehabilitation 7 services shall, for a period of 1 year immediately following 8 their graduation, be exempt from the examination and the 9 fees described in 37-31-323. On certification from the 10 department of social and rehabilitation services that a 11 department of social and rehabilitation services beneficiary 12 has successfully completed the required apprenticeship or 13 training in a shop or beauty school, the department shall 14 issue the person the necessary certificate or license to 15 practice the profession in this state." 16

Section 5. Section 37-31-312, MCA, is amended to read: 17 "37-31-312. Inspection, (1) The department shall 18 appoint one or more inspectors who-are-licensed-to-practice 19 under-this-chapter, each of whom shall devote his time to 20 inspecting beauty parlors and performing other duties as the 21 department may direct. The inspectors may enter a beauty 22 parlor or school of cosmetology during business hours for 23 the purpose of inspection, and the refusal of a licensee to 24 permit the inspection during business hours is cause for 25

revocation of the license. Ъ 2 (2) Upon application for a license, any cosmetological 3 establishment must pay an initial inspection fee prescribed 4 by the board. 5 (3) The board may authorize the department to grant to a cosmetological establishment, upon payment of the initial 6 inspection fee, a temporary permit authorizing the 7 cosmetological establishment to operate for a period of not 8 9 to exceed 90 days or until the inspector is able to make the inspection, whichever event occurs first. This temporary 10 11 permit is not renewable. (4) The board shall conduct an annual inspection of 12 each cosmetology establishment in the state." 13 Section 6. Section 37-31-322, MCA, is amended to read: 14 15 "37-31-322. Renewal -- continuing education -delinguency fee. (1) Licenses and certificates may be issued 16 for no longer than 1 year unless otherwise provided by rule. 17 Licenses and certificates expire on December 31 unless 18 otherwise provided by rule or renewed for the next year or 19 renewal period. Licenses and certificates may be renewed by 20 21 application made prior to December 31 of each year, unless otherwise provided, and the payment of a required renewal 22 fee. Expired licenses and certificates may be renewed under 23 rules made by the board, but the right to renew an expired 24 license or certificate terminates after 10 years of 25

nonpayment. The board may provide by rule for a change in the renewal date and renewal period for the manager-operator and salon owner category. The renewal fee may not exceed twice the fee for a 2-year renewal or three times the fee for a 3-year renewal and shall be as set by the board.

6 (2) In addition to the foregoing requirements for
7 renewal, persons applying for the renewal of teachers'
8 licenses must have fulfilled the following additional
9 requirements:

10 (a) During each year, an active teacher, either 11 full-time or part-time, must have successfully completed 30 12 hours' professional teacher training at a school approved by 13 the board.

14 (b) A person holding a teacher's license but not 15 actively engaged either full-time or part-time in teaching 16 cosmetology during the preceding year may renew the license 17 by paying the required fee. A person holding a teacher's 18 license but not actively engaged in teaching cosmetology either full-time or part-time for the preceding year or 19 longer and wishing to resume active teaching of cosmetology 20 21 must successfully complete 30 hours' professional teacher 22 training at a school approved by the board before resuming 23 active teaching. However, the foregoing provisions do not 24 prevent the board, under rules it adopts, from permitting a 25 person holding a teacher's license and not actively engaged

either full-time or part-time in teaching cosmetology from
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3 (3) A fee prescribed by the board shall be charged, in 4 addition to other fees fixed by law, for renewal applications of licenses and cert.ficates 5 made after December 31 of each year or other predetermined renewal 6 7 deadline. The---department---shall---notify---license---and certificate--holders--of-the-expiration-date-of-licenses-and 8 9 certificates-not-less-than-30--days--before--the--expiration 10 date--and--call-attention-to-the-penalty-imposed-for-failure 11 to--renew--a--license--or--certificate--by---the---date---of 12 expiration."

NEW SECTION. Section 7. Application procedure when applicant licensed in another state. Upon submission of evidence that an applicant for a license under this chapter holds a current license of the same type in another state and that the applicant is not less than 18 years of age and upon payment of the required fee, the board shall authorize the department to issue a license to such applicant.

<u>NEW SECTION.</u> Section 8. Excension of authority. Any
existing authority of the board of cosmetologists to movie
rules on the subject of the provisions of this act is
extended to the provisions of this act.

24 <u>NEW SECTION.</u> Section 9. Repealer. Section 37-31-306,
25 MCA, is repealed.

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<u>NEW SECTION.</u> Section 10. Codification instruction.
 Section 7 is intended to be codified as an integral part of
 Title 37, chapter 31, and the provisions of Title 37,
 chapter 31, apply to section 7.

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5 <u>NEW SECTION.</u> Section 11. Effective date. This act is 6 effective on passage and approval.

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APPROVED BY COMM. ON BUSINESS AND LABOR

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> -2-HB 561 SECOND READING

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13 NEW-SECTION;--Section-7:--Application---procedure--when applicant-licensed-in-another--state----Upon--submission--of 14 15 evidence--that-an-applicant-for-a-license-under-this-chapter 16 holds-a-current-license-of-the-same-type--in--another--state and--that-the-applicant-is-not-less-than-18-years-of-age-and 17 18 upon-payment-of-the-required-fee,-the-board-shall--authorize the-department-to-issue-a-license-to-such-applicant; 19 20 NEW SECTION. Section 7. Extension of authority. Any 21 axisting authority of the board of cosmetologists do tomake rules on the subject of the provisions of this act is 22 23 extended to the provisions of this act.

 24
 NEW-SECTION:--Section-9:--Repeater:--Section-37-31-306;

 25
 MCA;-is-repeated:

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NEW-SECTION---Section-10---Codification----instruction-1 Section--7-is-intended-to-be-codified-as-an-integral-part-of 2 Fitle-37,-chapter--31,--and--the--provisions--of--Title--37, 3 chapter-317-apply-to-section-7-4 NEW SECTION. Section 8. Effective date. This act is 5 6

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-End-

49th Legislature

HB 0561/02

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8 licenses must have fulfilled the following additional
9 requirements:

10 (a) During each year, an active teacher, either
11 full-time or part-time, must have successfully completed 30
12 hours' professional teacher training at a school approved by
13 the board.

14 (b) A person holding a teacher's license but not actively engaged either full-time or part-time in teaching 15 cosmetology during the preceding year may renew the license 16 by paying the required fee. A person holding a teacher's 17 license but not actively engaged in teaching cosmetology 18 19 either full-time or part-time for the preceding year or 20 longer and wishing to resume active teaching of cosmetology must successfully complete 30 hours' professional teacher 21 22 training at a school approved by the board before resuming active teaching. However, the foregoing provisions do not 23 prevent the board, under rules it adopts, from permitting a 24 25 person holding a teacher's license and not actively engaged

either full-time or part-time in teaching cosmetology from
 teaching as a substitute for an active teacher.

3 (3) A fee prescribed by the board shall be charged, in 4 addition to other fees fixed by law, for renewal 5 applications of licenses and certificates made after December 31 of each year or other predetermined renewal 6 7 deadline. The---department---shall---notify---license---and 8 certificate--holders--of-the-expiration-date-of-licenses-and 9 certificates-not-less-than-30--days--before--the--expiration 10 date--and--call-attention-to-the-penalty-imposed-for-failure 11 to--renew--a--license--or--certificate--by---the---date---of 12 expiration-"

 13
 NEW-SECTION:--Section-7:--Application---procedure--when

 14
 applicant-licensed-in-another--state.----Upon--submission--of

 15
 evidence--that-an-applicant-for-a-license-under-this-chapter

 16
 halds-a-current-license-of-the-same-type--in--another--state

 17
 and--that-the-applicant-is-not-less-than-i8-years-of-age-and

 18
 upon-payment-of-the-required-fee;-the-board-shall--authorize

 19
 the-department-to-issue-a-license-to-such-applicant;

20 <u>NEW SECTION.</u> Section 7. Extension of authority. Any 21 existing authority of the board of cosmetologists to make 22 rules on the subject of the provisions of this act is 23 extended to the provisions of this act.

 24
 NEW-SECTION:--Section-9:--Repeater:--Section-37-31-306;

 25
 MCA;-is-repeated;

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 NEW-SHETION:--Section-10:--Bodification---instruction;

 Section--7-is-intended-to-be-codified-as-an-integral-part-of

 Title-37;-chapter--31;-and--the--provisions--of--Title--37;

 chapter-31;-apply-to-section-7;

5 <u>NEW SECTION.</u> Section 8. Effective date. This act is 6 effective on passage and approval.

-End-

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1	HOUSE BILL NO. 561	1	a license from the state of Montana as such store or place
2	INTRODUCED BY MILLER	2	of business;-or.
3	BY REQUEST OF THE BOARD OF COSMETOLOGISTS	3	{b}cosmetologicalartistswhodemonstrate
4		4	cosmetologicalskillsundertheauspicesofthestate
5	A BILL FOR AN ACT ENTITLED: "AN ACT TO GENERALLY REVISE THE	5	associationof-cosmetology-or-its-affiliated-unitswhether
6	LAWS RELATING TO COSMETOLOGY; AMENDING SECTIONS 37-31-101,	6 [,]	at-meetings-or-in-licensed-cosmetological-establishments.
7	37-31-304, 37-31-305, 37-31-308, 37-31-312, AND 37-31-322,	7	(2) "Cosmetological establishment" means premises,
8	MCA; REPEALING-SECTION37-31-3067MCA; AND PROVIDING AN	8	building, or part of a building in which is practiced a
9	IMMEDIATE EFFECTIVE DATE."	9	branch or combination of branches of cosmetology or the
10		10	occupation of a hairdresser and cosmetician or cosmetologist
11	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	. 11	and which must have a manager-operator in charge.
12	Section 1. Section 37-31-101, MCA, is amended to read:	12	(3) "Board" means the board of cosmetologists provided
13	*37-31-101. Definitions. Unless the context requires	13	for in 2-15-1857.
14	otherwise, in this chapter the following definitions apply:	14	(4) "Department" means the department of commerce
15	(1) "Practice and teaching of cosmetology" includes	15	provided for in Title 2, chapter 15, part 18."
16	work generally and usually included in the terms	16	Section 2. Section 37-31-304, MCA, is amended to read:
17	"hairdressing" and "beauty culture" and performed in	17	"37-31-304. Qualifications of applicants for license
18	so-called hairdressing and beauty shops or by itinerant	18	to practice. (1) Before one may practice or teach
19	cosmetologists, which work is done for the embellishment,	19	cosmetology or a person, firm, partnership, or corporation
20	cleanliness, and beautification of the hair, scalp, face,	20	may operate a school of cosmetology, the person, firm,
21	arms, or hands. The practice and teaching of cosmetology	21	partnership, or corporation must obtain a license or
22	shall not be construed to include:	22	certificate of registration from the department.
23	(a) itinerant cosmetologists who perform their	23	(2) To be eligible to take the examination to practice
24	services without compensation for demonstration purposes in	24	cosmetology, the applicant must be not less than 18 years of
25	any regularly established store or place of business holding	25	age, a graduate of the 8th grade, and of good moral
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1 character. The applicant must have completed a continuous 2 course of study of at least 2,000 hours in a registered 3 beauty school, which course of study has been distributed 4 over a period of not less than 10 months or more than 14 5 months, and must have received a diploma from the beauty 6 school or must have completed the course of study in 7 cosmetology prescribed by the board of public education.

8 (3) The person qualified must shall file with the 9 department a written application to take the examination, 10 accompanied-by-a-health-certificate-issued-by-a--registered, 11 licensed-physician-on-a-form-supplied-by-the-department, and 12 shall deposit with the department the required examination 13 fee and pass an examination as to his fitness to practice 14 cosmetology."

15 Section 3. Section 37-31-305, MCA, is amended to read:
16 "37-31-305. Qualifications of applicants for license
17 to teach. Before an applicant may take an examination to
18 obtain a license as a teacher of cosmetology, he must:

(1) be a graduate of high school or possess an
equivalent of a high school diploma recognized by the
superintendent of public instruction; and

(2) (a) have a license to practice cosmetology issued
by the department;--been-actively-engaged-as-a-beauty
operator--for--t-continuous-year-immediately-prior-to-taking
the--examination; and have received a diploma from a

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registered school of cosmetology approved by the board,
 certifying satisfactory completion of 500 650 hours of
 student teacher training; or

4 (b) have been actively engaged as a beauty operator 5 for 3 continuous years immediately prior to taking the 6 teachers' examination."

Section 4. Section 37-31-308, MCA, is amended to read: 7 8 "37-31-308. Examination -- reexamination -- exemption 9 for handicapped persons. (1) Examinations for a license to practice or teach cosmetology shall be held at a-place-and 10 time places and times specified by the board at--least--two 11 12 times--a--year--and--not-more-than-five-times-a-year-and-for 13 teacher's-license-once-each-year. The examinations shall be 14 conducted by the department, subject to 37-1-101. The 15 examinations may not be confined to a specific method or 16 system.

17 (2) Anyone failing twice to pass an the examination
18 for a license to practice cosmetology may not apply to
19 retake the examination:
20 (a) sooner than 6 months after the date of the second
21 failure; or

(b) until he has taken 200 hours additional teacher
training at a registered school of cosmetology approved by
the board.

25 (3) Anyone failing twice to pass the examination for a

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license to teach cosmetology must wait 1 year before
 reapplying to take the examination. Upon reapplying, the
 applicant must provide certification of completion of 500
 hours of teacher training during that year in a registered
 school licensed as a teacher training unit.

6 (3)(4) Physically handicapped persons trained for cosmetology by the department of social and rehabilitation 7 services shall, for a period of 1 year immediately following 8 their graduation, be exempt from the examination and the 9 fees described in 37-31-323. On certification from the 10 department of social and rehabilitation services that a 11 12 department of social and rehabilitation services beneficiary has successfully completed the required apprenticeship or 13 training in a shop or beauty school, the department shall 14 issue the person the necessary certificate or license to 15 practice the profession in this state." 16

Section 5. Section 37-31-312, MCA, is amended to read: 17 18 "37-31-312. Inspection. (1) The department shall 19 appoint one or more inspectors who-are-licensed-to-practice under-this-chapter, each of whom shall devote his time to 20 inspecting beauty parlors and performing other duties as the 21 department may direct. The inspectors may enter a beauty 22 parlor or school of cosmetology during business hours for 23 24 the purpose of inspection, and the refusal of a licensee to 25 permit the inspection during business hours is cause for

1 revocation of the license.

2 (2) Upon application for a license, any cosmetological
3 establishment must pay an initial inspection fee prescribed
4 by the board.

5 (3) The board may authorize the department to grant to 6 a cosmetological establishment, upon payment of the initial 7 inspection fee, a temporary permit authorizing the 8 cosmetological establishment to operate for a period of not 9 to exceed 90 days or until the inspector is able to make the 10 inspection, whichever event occurs first. This temporary 11 permit is not renewable.

12 (4) The board shall conduct an annual inspection of13 each cosmetology establishment in the state."

14 Section 6. Section 37-31-322, MCA, is amended to read: 15 "37-31-322. Renewal -- continuing education --16 delinquency fee. (1) Licenses and certificates may be issued 17 for no longer than 1 year unless otherwise provided by rule. 18 Licenses and certificates expire on December 31 unless 19 otherwise provided by rule or renewed for the next year or 20 renewal period. Licenses and certificates may be renewed by 21 application made prior to December 31 of each year, unless 22 otherwise provided, and the payment of a required renewal 23 fee. Expired licenses and certificates may be renewed under rules made by the board, but the right to renew an expired 24 license or certificate terminates after 10 years of 25

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nonpayment. The board may provide by rule for a change in
 the renewal date and renewal period for the manager-operator
 and salon owner category. The renewal fee may not exceed
 twice the fee for a 2-year renewal or three times the fee
 for a 3-year renewal and shall be as set by the board.

6 (2) In addition to the foregoing requirements for
7 renewal, persons applying for the renewal of teachers'
8 licenses must have fulfilled the following additional
9 requirements:

10 (a) During each year, an active teacher, either
11 full-time or part-time, must have successfully completed 30
12 hours' professional teacher training at a school approved by
13 the board.

(b) A person holding a teacher's license but not 14 actively engaged either full-time or part-time in teaching 15 16 cosmetology during the preceding year may renew the license 17 by paying the required fee. A person holding a teacher's 18 license but not actively engaged in teaching cosmetology 19 either full-time or part-time for the preceding year or 20 longer and wishing to resume active teaching of cosmetology must successfully complete 30 hours' professional teacher 21 training at a school approved by the board before resuming 22 23 active teaching. However, the foregoing provisions do not 24 prevent the board, under rules it adopts, from permitting a 25 person holding a teacher's license and not actively engaged

either full-time or part-time in teaching cosmetology from teaching as a substitute for an active teacher.

(3) A fee prescribed by the board shall be charged, in 3 addition to other fees fixed by law, for renewal 4 5 applications of licenses and certificates made after December 31 of each year or other predetermined renewal 6 7 deadline. The---department---shall---notify---license---and 8 certificate--holders--of-the-expiration-date-of-licenses-and 9 certificates-not-less-than-30--days--before--the--expiration 10 date--and--call-attention-to-the-penalty-imposed-for-failure 11 to--renew--a--license--or--certificate--by---the---date---of expiration-" 12

13NEW-SECTIONT--Section-7:--Application---procedure--when14applicant-licensed-in-another--state:----Upon--submission--of15evidence--that-an-applicant-for-a-license-under-this-chapter16holds-a-current-license-of-the-same-type--in--another--state17and--that-the-applicant-is-not-less-than-10-years-of-age-and18upon-payment-of-the-required-feer-the-board-shall--authorize19the-department-to-issue-a-license-to-such-applicant-

20 <u>NEW SECTION.</u> Section 7. Extension of authority. Any
21 existing authority of the board of cosmetologists to make
22 rules on the subject of the provisions of this act is
23 extended to the provisions of this act.

 24
 NEW-SBCTION:--Section-9:--Repeater:--Section-37-31-306;

 25
 MCA;-is-repeated;

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<u>NEW-SECTION.</u>--Section-107--Codification----instruction.
 Section--7-is-intended-to-be-codified-as-an-integral-part-of
 Title-377-chapter--317-and--the--provisions--of--Title--377
 chapter-317-apply-to-section-77
 <u>NEW SECTION.</u> Section 8. Effective date. This act is
 effective on passage and approval.

-End-