HOUSE BILL NO. 563

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. Report adopted. Statement of Intent attached. 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. Committee recommend bill be March 19, 1985 concurred in as amended. Report adopted. March 22, 1985 Second reading, concurred in. March 25, 1985

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Third reading, concurred in. Ayes, 45; Noes, 4.

Returned to House with amendments.

IN THE HOUSE

March 26, 1985

April 8, 1985

Received from Senate.

Second reading, amendments concurred in.

On motion, rules suspended and bill placed on third reading this day.

Third reading, amendments concurred in.

Sent to enrolling.

Reported correctly enrolled.

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HOUSE BILL NO. 563 1 1 INTRODUCED BY MILLS 2 2 3 BY REQUEST OF THE BOARD OF COSMETOLOGISTS 3 4 4 5 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE 5 LAWS RELATING TO COSMETOLOGY; PROVIDING FOR THE LICENSURE б 6 7 AND REGULATION OF MANICURISTS, MANICURING SHOPS, AND SCHOOLS 7 8 8 OF MANICURING: AMENDING SECTIONS 37-31-101, 37-31-203, 9 9 37-31-301 THROUGH 37-31-305, 37-31-308, 37-31-311, 37-31-312, 37-31-322, AND 37-31-331, MCA; AND PROVIDING A 10 10 DELAYED EFFECTIVE DATE." 11 11 12 12 13 13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 14 Section 1. Section 37-31-101, MCA, is amended to read: 14 15 "37-31-101. Definitions. Unless the context requires 15 otherwise, in this chapter the following definitions apply: 16 16 17 (1) "Practice and teaching of cosmetology" includes 17 work generally and usually included in the terms 18 18 19 "hairdressing", "manicuring", and "beauty culture" and 19 performed in so-called hairdressing and beauty shops or by 20 20 21 21 itinerant cosmetologists, which work is done for the 22 embellishment, cleanliness, and beautification of the hair, 22 23 scalp, face, arms, feet, or hands. The practice and teaching 23 of cosmetology shall not be construed to include: 24 24 25 (a) itinerant cosmetologists who perform their 25

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services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state of Montana as such store or place of business; or

5 (b) cosmetological artists who demonstrate 6 cosmetological skills under the auspices of the state 7 association of cosmetology or its affiliated units, whether 8 at meetings or in licensed cosmetological establishments.

9 (2) "Cosmetological establishment" means premises, 10 building, or part of a building in which is practiced a 11 branch or combination of branches of cosmetology or the 12 occupation of a hairdresser and cosmetician or cosmetologist 13 and which must have a manager-operator in charge.

14 (3) "Board" means the board of cosmetologists provided15 for in 2-15-1857.

16 (4) "Department" means the department of commerce17 provided for in Title 2, chapter 15, part 18.

18 (5) "Manicuring" includes nail care of the hands and 19 feet and the application and maintenance of artificial

nails.

21 (6) "Manicuring shop" means premises, a building, or

22 part of a building in which the art of manicuring is

- 23 practiced."
- 24 Section 2. Section 37-31-203, MCA, is amended to read:
- 25 "37-31-203. Rulemaking powers. The board shall

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· 1	prescribe rules for:	1	(f) practice as a finger waver.
2	(1) the conduct of its business;	2	(2) It is unlawful:
3	(2) the qualification, examination, and registration	3	(a) for any person who owns, manages, or controls a
4	of applicants to practice cosmetology or manicuring or to	4	cosmetology shop to employ or use an unlicensed person as a
5	teach cosmetology;	5	cosmetologist <u>or manicurist</u> ;
6	(3) the qualification and registration of applicants	б	(b) to operate a cosmetology school without complying
7	for manager-operator licenses;	7	with all of the regulations of 37-31-311;
8	(4) the regulation and instruction of apprentices and	8	(c) to practice cosmetology in any place other than in
9	students;	9	a licensed establishment as provided in this chapter, except
10	(5) the conduct of schools of cosmetology and schools	10	when a licensed operator is requested by a customer to go to
11	of manicuring for apprentices and students; and	11	a place other than a licensed establishment and is sent to
12	(6) generally the conduct of the persons, firms, or	12	such customer from a licensed establishment;
13	corporations affected by this chapter."	13	(d) for any person who owns, manages, or controls a
14	Section 3. Section 37-31~301, MCA, is amended to read:	14	manicuring shop to employ or use an unlicensed person as a
15	"37-31-301. Prohibited acts. (1) Without an	15	manicurist;
16	appropriate license issued under this chapter, it shall be	16	(e) to operate a manicuring school without complying
17	unlawful to:	17	with 37-31-311;
18	(a) practice cosmetology for compensation;	18	<pre>(d)(f) to violate any of the provisions of this</pre>
19	(b) own, manage, operate, or conduct a school of	19	chapter."
20	cosmetology or school of manicuring;	20	Section 4. Section 37-31-302, MCA, is amended to read:
21	(c) manage or operate a cosmetology shop, manicuring	21	"37-31-302. License required to practice, teach, or
22	shop, or beauty parlor;	22	operate shop or school. (1) No person may practice or teach
23	(d) teach in a school of cosmetology or school of	23	cosmetology or practice or teach manicuring without a
24	manicuring;	24	license.
25	(e) practice manicuring for compensation;	25	(2) No place may be used or maintained for the

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teaching of cosmetology or manicuring for compensation
 except under a certificate of registration.

3 (3) No person may operater or manager-or-conduct a 4 beauty shop or school-and-teach-the-art <u>a manicuring shop</u> or 5 practice <u>cosmetology or manicuring</u> without a 6 manager-operator license.

7 (4) No person may operate or conduct a school of
8 cosmetology or a school of manicuring and teach the art of
9 cosmetology or manicuring without a license to teach
10 cosmetology.

11 (4)(5) A person, firm, partnership, or corporation 12 desiring to operate a cosmetological establishment shall 13 make an application to the department for a certificate of 14 registration and license. The application shall be 15 accompanied by the annual registration fee.

16 (5)(6) No license may be issued until the inspection 17 fees required in 37-31-312 have been paid."

Section 5. Section 37-31-303, MCA, is amended to read: 18 "37-31-303. Application for license to practice or 19 teach. The An applicant for a license to practice or teach 20 cosmetology or for a license to practice manicuring must 21 gualify by filing an application prescribed by the board and 22 by taking and passing the examination prescribed by the 23 board and given by the department, subject to 37-1-101. The 24 license must be renewed annually under 37-31-322." 25

1 Section 6. Section 37-31-304, MCA, is amended to read: "37-31-304. Qualifications of applicants for license 2 to practice. (1) Before one a person may practice or--teach 3 cosmetology or--a-person; firm; partnership; or-corporation 4 5 may-operate-a--school--of--cosmetology7--the--person---firmб partnership, -- or -- corporation, he must obtain a license or certificate-of-registration to practice cosmetology from the 7 8 department. Before a person may practice manicuring, he must 9 obtain a license to practice manicuring from the department unless_he is licensed to practice cosmetology. 10

11 (2) (a) To be eligible to take the examination to practice cosmetology, the applicant must be not less than 18 12 years of age, a graduate of the 8th grade, and of good moral 13 character. The applicant must have completed a continuous 14 15 course of study of at least 2,000 hours in a registered beauty school, which course of study has been distributed 16 over a period of not less than 10 months or more than 14 17 months, and must have received a diploma from the beauty 18 school or must have completed the course of study in 19 cosmetology prescribed by the board of public education. 20

21 (3)(b) The A person qualified under subsection (2)(a)
22 must file with the department a written application to take
23 the examination, accompanied by a health certificate issued
24 by a registered, licensed physician on a form supplied by
25 the department, and shall deposit with the department the

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tion fee and pass an examination as to his
ce cosmetology.
be eligible to take the examination to
ing, an applicant must be not less than 18
of good moral character, possess a high
an equivalent of a high school diploma
superintendent of public instruction, or a
completion from a postsecondary
cal center program, and have completed a
rescribed by the board in a registered
ology or a registered school of manicuring.
n qualified under subsection (3)(a) must
epartment a written application to take the
eposit with the department the required
Section 37-31-305, MCA, is amended to read:
Qualifications of applicants for license
efore an-applicant <u>a person</u> may <u>teach</u>
ersons seeking only to be licensed to
ng or teach cosmetology, he must obtain
nt a license to teach cosmetology.
eligible to take an examination to obtain a
<mark>eligible to</mark> take an examination to obtain a her-of <u>to teach</u> cosmetology, he <u>a person</u>

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1	equivalent of a high school diploma recognized by the
2	superintendent of public instruction; and
3	<pre>f2)(b) (a)(i) have a license to practice cosmetology</pre>
4	issued by the department, been actively engaged as a beauty
5	operator for 1 continuous year immediately prior to taking
6	the examination, and have received a diploma from a
7	registered school of cosmetology approved by the board,
8	certifying satisfactory completion of 500 hours of student
9	teacher training; or
10	<pre>(b)(ii) have been actively engaged as a beauty operator</pre>
11	for 3 continuous years immediately prior to taking the
12	teachers' examination."
13	Section 8. Section 37-31-308, MCA, is amended to read:
14	"37-31-308. Examination reexamination exemption
15	for handicapped persons. (1) Examinations for a license to
16	practice cosmetology or manicuring or to teach cosmetology
17	shall be held at a-place-and-time places and times specified
18	by the board atleast-two-times-a-year-and-not-more-than
19	five-times-a-year-and-for-teacher's-license-once-eachyear.
20	The examinations shall be conducted by the department,
21	subject to 37-1-101. The examinations may not be confined
22	to a specific method or system.
23	(2) Anyone failing twice to pass an examination <u>for a</u>
24	license to practice cosmetology may not apply to retake the

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examination:

(a) sooner than 6 months after the date of the second 1 2 failure; or (b) until he has taken 200 hours additional teacher 3 training at a registered school of cosmetology approved by 4 the board. 5 6 (3) Anyone failing twice to pass the examination for a 7 license to practice manicuring must meet the additional requirements prescribed by the board before applying to 8 retake the examination. 9 10 (4) Anyone failing twice to pass the examination for a license to teach cosmetology must wait 1 year before 11 reapplying to take the examination. Upon reapplying, the 12 applicant must provide certification of completion of 500 13 hours of teacher training during that year in a registered 14 school licensed as a teacher training unit. 15 (3)(5) Physically handicapped persons trained 16 for cosmetology or manicuring by the department of social and 17 rehabilitation services shall, for a period of 1 year 18 immediately following their graduation, be exempt from the 19 examination and the fees described in 37-31-323. On 20 from the department of social 21 certification and rehabilitation services that a department of social and 22 rehabilitation services beneficiary has successfully 23 completed the required apprenticeship-or training in a shop 24 25 or beauty school or manicuring school, the department shall

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issue the person the necessary certificate or license to 1 2 practice the profession in this state." Section 9. Section 37-31-311, MCA, is amended to read: 3 "37-31-311. School----of---cosmetology Schools 4 5 certificate of registration -- requirements -- bond --6 curriculum. (1) No person, firm, partnership, or corporation 7 may operate a school for the purpose of teaching cosmetology for compensation or for the purpose of teaching manicuring 8 for compensation unless a certificate of registration has 9 been first obtained from the department. Application for 10 the certificate shall be filed with the department on a form 11 prescribed by the board. 12 13 (2) No school for teaching cosmetology may be granted a certificate of registration unless it complies or can 14 comply with the following requirements: 15 16 (a) It shall have in its employ a licensed teacher who is at all times in the immediate supervision of the work of 17 the school, or other teachers the board determines are 18 19 necessary for the proper conduct of the school. There may not be more than 25 students to each teacher. 20 21 (b) It shall possess apparatus and equipment the board determines is necessary for the ready and full teaching of 22 23 all subjects or practices of cosmetology. (c) It shall maintain a school term of not less than 24

2,000 hours and shall prescribe a course of practical

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training and technical instruction equal to the requirements
 for board examinations, which course of training and
 technical instruction shall be prescribed by the board.

4 (d) It shall keep a daily record of the attendance of 5 each student, establish grades, and hold examinations before 6 issuing diplomas.

7 (e) No owner or person in charge of a school of 8 cosmetology may permit a person to sleep in or use for 9 residential purposes, or any other purpose which would tend 10 to make the room unsanitary, a room used wholly or in part 11 for a school of cosmetology.

12 (3) No school for teaching manicuring may be granted a
13 certificate of registration unless it complies with
14 subsections (2)(a) and (2)(d) and the following
15 requirements:

16 (a) It must possess apparatus and equipment the board
 17 determines necessary for the ready and full teaching of all
 18 subjects or practices of manicuring.

19 (b) It must maintain a school term and a course of
20 practical training and technical instruction as prescribed
21 by the board.

(c) No owner or person in charge of a school of
 manicuring may permit a person to sleep in or use for
 residential purposes, or any other purpose that would tend
 to make the room unsanitary, a room used wholly or in part

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1 for a school of manicuring. (3)(4) Licenses or certificates of registration for 2 schools of cosmetology and schools of manicuring may be 3 refused, revoked, or suspended, as provided in 37-31-331. 4 (4)(5) No teacher or student teacher may be permitted 5 to practice cosmetology or manicuring on the public in a 6 school of cosmetology or a school of manicuring. A school 7 that enrolls student teachers for a course of student R teacher training may not have, at any one time, more than 9 one student teacher for each full-time licensed teacher 10 actively engaged at the school. The student teachers may not 11 12 substitute for full-time teachers. (5)(6) The board may make further rules necessary for 13 the proper conduct of schools of cosmetology and schools of 14 15 manicuring. (6)(7) The board shall require the person, firm, 16 partnership, or corporation operating a school of 17 cosmetology or a school of manicuring to furnish a good and 18 sufficient bond in the amount of \$5,000 and in a form and 19 20 manner prescribed by the board. (7)(8) No professional beauty shop or manicuring shop 21 may be operated in connection with a school of cosmetology 22 23 or school of manicuring. (8)(9) The board may, by rule, establish a suitable 24 curriculum for teachers' training in registered schools of 25

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1 cosmetology."

2 Section 10. Section 37-31-312, MCA, is amended to 3 read:

4 "37-31-312. Inspection. (1) The department shall appoint one or more inspectors who-are-licensed-to--practice 5 under--this--chapter, each of whom shall devote his time to 6 inspecting beauty parlors and performing other duties as the 7 department may direct. The inspectors may enter a beauty 8 parlor, manicuring shop, or school of cosmetology, or school 9 10 of manicuring during business hours for the purpose of inspection, and the refusal of a licensee to permit the 11 inspection during business hours is cause for revocation of 12 13 the license.

14 (2) Upon application for a license, any cosmetological
15 establishment or manicuring shop must pay an initial
16 inspection fee prescribed by the board.

(3) The board may authorize the department to grant to 17 a cosmetological establishment or manicuring shop, upon 18 payment of the initial inspection fee, a temporary permit 19 authorizing the cosmetological establishment or manicuring 20 shop to operate for a period of not to exceed 90 days or 21 22 until the inspector is able to make the inspection, whichever event occurs first. This temporary permit is not 23 24 renewable.

25 (4) The board shall conduct an annual inspection of

1 each cosmetology cosmetological establishment and manicuring
2 shop in the state."

3 Section 11. Section 37-31-322, MCA, is amended to 4 read:

5 "37-31-322. Renewal -- continuing education -delinquency fee. (1) Licenses and certificates may be issued 6 for no longer than 1 year unless otherwise provided by rule. 7 Licenses and certificates expire on December 31 unless 8 9 otherwise provided by rule or renewed for the next year or renewal period. Licenses and certificates may be renewed by 10 11 application made prior to December 31 of each year, unless 12 otherwise provided, and the payment of a required renewal fee. Expired licenses and certificates may be renewed under 13 14 rules made by the board, but the right to renew an expired license or certificate terminates after 10 years of 15 16 nonpayment. The board may provide by rule for a change in the renewal date and renewal period for the manager-operator 17 18 and salon owner category. The renewal fee may not exceed twice the fee for a 2-year renewal or three times the fee 19 for a 3-year renewal and shall be as set by the board. 20

21 (2) In addition to the foregoing requirements for 22 renewal, persons applying for the renewal of teachers⁴ 23 licenses to teach cosmetology must have fulfilled the 24 following additional requirements:

25 (a) During each year, an active teacher, either

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full-time or part-time, must have successfully completed 30
 hours' professional teacher training at a school approved by
 the board.

4 (b) A person holding a teacher+s license to teach 5 cosmetology but not actively engaged either full-time or 6 part-time in teaching cosmetology or manicuring during the 7 preceding year may renew the license by paying the required 8 fee. A person holding a teacher's license to teach 9 cosmetology but not actively engaged in teaching cosmetology 10 or manicuring either full-time or part-time for the 11 preceding year or longer and wishing to resume active 12 teaching of cosmetology or manicuring must successfully 13 complete 30 hours' professional teacher training at a school 14 approved by the board before resuming active teaching. 15 However, the foregoing provisions do not prevent the board, 16 under rules it adopts, from permitting a person holding a 17 teacher's license to teach cosmetology and not actively 18 engaged either full-time or part-time in teaching 19 cosmetology or manicuring from teaching as a substitute for 20 an active teacher.

(3) A fee prescribed by the board shall be charged, in
addition to other fees fixed by law, for renewal
applications of licenses and certificates made after
December 31 of each year or other predetermined renewal
deadline. The department shall notify license and

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certificate holders of the expiration date of licenses and certificates not less than 30 days before the expiration date and call attention to the penalty imposed for failure to renew a license or certificate by the date of expiration."

6 Section 12. Section 37-31-331, MCA, is amended to 7 read:

8 "37-31-331. Refusal, revocation, or suspension of
9 licenses -- grounds -- notice and hearing. (1) The board may
10 refuse to issue, refuse to renew, or may revoke or suspend a
11 license in any one of the following cases:

12 (a) failure of a person, firm, partnership, or 13 corporation operating a cosmetological establishment, 14 <u>manicuring shop</u>, or school of cosmetology, or school of 15 manicuring to comply with this chapter;

(b) failure to comply with the sanitary rules adopted
by the board and approved by the department of health and
environmental sciences for the regulation of cosmetological
establishments, manicuring shops, er schools of cosmetology,

20 or schools of manieuring;

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(c) gross malpractice;

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

24 (e) habitual drunkenness or habitual addiction to the25 use of morphine or any habit-forming drug;

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1 (f) permitting a certificate of registration or license to be used where the holder is not personally, 2 actively, and continuously engaged in business; or 3 (q) failure to display the license.

5 (2) However, the board may not refuse to authorize the

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б department to issue or renew a license or revoke or suspend 7 a license already issued until after notice and opportunity for a hearing." 8

NEW SECTION. Section 13. Extension of authority. Any 9 existing authority of the board of cosmetologists to make 10 rules on the subject of the provisions of this act is 11 extended to the provisions of this act. 12

13 NEW SECTION. Section 14. Effective date. This act is 14 effective January 1, 1986.

-End-

49th Legislature

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APPROVED BY COMM. ON BUSINESS AND LABOR

1	STATEMENT OF INTENT
2	HOUSE BILL 563
3	House Business and Labor Committee

A statement of intent is required for this bill because 5 it grants the board of cosmetologists the authority to make 6 7 rules regarding the practice and teaching of manicuring. Currently Title 37, chapter 31, allows for the licensing of 8 9 practitioners, teachers, and schools of cosmetology. It is 10 the intent of this bill to license those persons wishing to practice manicuring apart from the practice of cosmetology 11 and to require that only a person who holds a valid license 12 to teach cosmetology may teach manicuring to such persons. 13 14 It is contemplated that rules adopted by the board should 15 address the following:

16 (1) types of programs required for practicing or
17 teaching manicuring or operating a school of manicuring,
18 such as classroom instruction and examination;

19 (2) standards for determining programs to be approved 20 for the fulfillment of the requirements, such as adequacy of 21 facilities, qualification of instructors, and course 22 content;

23 (3) the number of hours of instruction required;

24 (4) the basic content and the passing grade for any25 examination required;



1 (5) preparation of a written application to be filed

2 for examination and practice of manicuring; and

(6) methods of monitoring compliance.

3

-2- SECOND READING HB 563

1 HOUSE BILL NO. 563 INTRODUCED BY MILLER 2 BY REQUEST OF THE BOARD OF COSMETOLOGISTS 3 4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE 5 LAWS RELATING TO COSMETOLOGY; PROVIDING FOR THE LICENSURE 6 AND REGULATION OF MANICURISTS, MANICURING SHOPS, AND SCHOOLS 7 OF MANICURING; AMENDING SECTIONS 37-31-101, 37-31-203. 8 THROUGH 37-31-305, 37-31-308, 9 37-31-301 37-31-311. 37-31-312, 37-31-322, AND 37-31-331, MCA; AND PROVIDING A 10 DELAYED EFFECTIVE DATE." 11 12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: 13 14 Section 1. Section 37-31-101, MCA, is amended to read: 15 "37-31-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply: 16 (1) "Practice and teaching of cosmetology" includes 17 work generally and usually included in the terms 18 "hairdressing", "manicuring", and "beauty culture" and 19 performed in so-called hairdressing and beauty shops or by 20 itinerant cosmetologists, which work is done for the 21 embellishment, cleanliness, and beautification of the hair, 22 scalp, face, arms, feet, or hands. The practice and teaching 23 of cosmetology shall not be construed to include: 24 (a) itinerant cosmetologists who perform their 25

services without compensation for demonstration purposes in 1 any regularly established store or place of business holding 2 3 a license from the state of Montana as such store or place 4 of business; or 5 (b) cosmetological artists who demonstrate 6 cosmetological skills under the auspices of the state association of cosmetology or its affiliated units, whether 7 8 at meetings or in licensed cosmetological establishments. (2) "Cosmetological establishment" means premises, 9 building, or part of a building in which is practiced a 10 11 branch or combination of branches of cosmetology or the 12 occupation of a hairdresser and cosmetician or cosmetologist 13 and which must have a manager-operator in charge. (3) "Board" means the board of cosmetologists provided 14 for in 2-15-1857. 15 16 (4) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18. 17 18 (5) "Manicuring" includes nail care of the hands and feet and the application and maintenance of artificial 19 20 nails. (6) "Manicuring shop" means premises, a building, or 21 part of a building in which the art of manicuring is 22 practiced." 23

- 24 Section 2. Section 37-31-203, MCA, is amended to read:
- 25 "37-31-203. Rulemaking powers. The board shall



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1	prescribe rules for:
2	(1) the conduct of its business;
3	(2) the qualification, examination, and registration
4	of applicants to practice cosmetology or manicuring or to
5	teach cosmetology;
6	(3) the qualification and registration of applicants
7	for manager-operator licenses;
8	(4) the regulation and instruction of apprentices and
9	students;
10	(5) the conduct of schools of cosmetology and schools
11	of manicuring for apprentices and students; and
12	(6) generally the conduct of the persons, firms, or
13	corporations affected by this chapter."
14	Section 3. Section 37-31-301, MCA, is amended to read:
15	"37-31-301. Prohibited acts. (1) Without an
16	appropriate license issued under this chapter, it shall be
17	unlawful to:
18	(a) practice cosmetology for compensation;
19	(b) own, manage, operate, or conduct a school of
20	cosmetology or school of manicuring;
21	<pre>(c) manage or operate a cosmetology shop, manicuring</pre>
22	shop, or beauty parlor;
23	(d) teach in a school of cosmetology <u>or school of</u>
24	manicuring;
25	(e) practice manicuring for compensation;

- (f) practice as a finger waver.
- (2) It is unlawful:

1 2

3 (a) for any person who owns, manages, or controls a
4 cosmetology shop to employ or use an unlicensed person as a
5 cosmetologist or manicurist;

6 (b) to operate a cosmetology school without complying7 with all of the regulations of 37-31-311;

8 (c) to practice cosmetology in any place other than in 9 a licensed establishment as provided in this chapter, except 10 when a licensed operator is requested by a customer to go to 11 a place other than a licensed establishment and is sent to 12 such customer from a licensed establishment;

- (d) for any person who owns, manages, or controls a
 manicuring shop to employ or use an unlicensed person as a
- 15 <u>manicurist;</u>
- 16 (e) to operate a manicuring school without complying
- 17 with 37-31-311;

18 (d)(f) to violate any of the provisions of this
19 chapter."

Section 4. Section 37-31-302, MCA, is amended to read:
"37-31-302. License required to practice, teach, or
operate shop or school. (1) No person may practice or teach
cosmetology or practice or teach manicuring without a
license.

25 (2) No place may be used or maintained for the

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teaching of cosmetology or manicuring for compensation
 except under a certificate of registration.

3 (3) No person may operater or manager-or-conduct a
4 beauty shop or school-and-teach-the-art a manicuring shop or
5 practice cosmetology or manicuring without a
6 manager-operator license.

7 (4) No person may operate or conduct a school of
 8 cosmetology or a school of manicuring and teach the art of
 9 cosmetology or manicuring without a license to teach
 10 cosmetology.

11 (4)(5) A person, firm, partnership, or corporation 12 desiring to operate a cosmetological establishment shall 13 make an application to the department for a certificate of 14 registration and license. The application shall be 15 accompanied by the annual registration fee.

16 (5)(6) No license may be issued until the inspection
17 fees required in 37-31-312 have been paid."

Section 5. Section 37-31-303, MCA, is amended to read: 18 "37-31-303. Application for license to practice or 19 teach. The An applicant for a license to practice or teach 20 cosmetology or for a license to practice manicuring must 21 qualify by filing an application prescribed by the board and 22 by taking and passing the examination prescribed by the 23 board and given by the department, subject to 37-1-101. The 24 license must be renewed annually under 37-31-322." 25

Section 6. Section 37-31-304, MCA, is amended to read: 1 2 "37-31-304. Oualifications of applicants for license 3 to practice. (1) Before one a person may practice or--teach cosmetology or--a-person;-firm;-partnership;-or-corporation 4 may-operate-a--school--of--cosmetology;--the--person;--firm; 5 partnership, -- or -- corporation, he must obtain a license or б certificate-of-registration to practice cosmetology from the 7 department. Before a person may practice manicuring, he must 8 obtain a license to practice manicuring from the department 9 10 unless he is licensed to practice cosmetology.

(2) (a) To be eligible to take the examination to 11 practice cosmetology, the applicant must be not less than 18 12 years of age, a graduate of the 8th grade, and of good moral 13 character. The applicant must have completed a continuous 14 course of study of at least 2,000 hours in a registered 15 beauty school, which course of study has been distributed 16 17 over a period of not less than 10 months or more than 14 months, and must have received a diploma from the beauty 18 school or must have completed the course of study in 19 cosmetology prescribed by the board of public education. 20

21 (3)(b) The A person qualified <u>under subsection (2)(a)</u> 22 must file with the department a written application to take 23 the examination, accompanied by a health certificate issued 24 by a registered, licensed physician on a form supplied by 25 the department, and shall deposit with the department the

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required examination fee and pass an examination as to his
 fitness to practice cosmetology.

3 (3) (a) To be eligible to take the examination to practice manicuring, an applicant must be not less than 18 4 5 years of age, be of good moral character, possess a high 6 school diploma, an equivalent of a high school diploma recognized by the superintendent of public instruction, or a 7 certificate of completion from a postsecondary 8 9 vocational-technical center program, and have completed a course of study prescribed by the board in a registered 10 11 school of cosmetology or a registered school of manicuring. 12 (b) A person qualified under subsection (3)(a) must 13 file with the department a written application to take the 14 examination and deposit with the department the required 15 examination fee."

16 Section 7. Section 37-31-305, MCA, is amended to read:
17 "37-31-305. Qualifications of applicants for license
18 to teach. (1) Before an--applicant a person may teach
19 manicuring to persons seeking only to be licensed to
20 practice manicuring or teach cosmetology, he must obtain
21 from the department a license to teach cosmetology.

22 (2) To be eligible to take an examination to obtain a
 23 license as-a-teacher-of to teach cosmetology, he a person
 24 must:

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25 (±)(a) be a graduate of high school or possess an

equivalent of a high school diploma recognized by the
 superintendent of public instruction; and

3 (2)(b) (a)(i) have a license to practice cosmetology
4 issued by the department, been actively engaged as a beauty
5 operator for 1 continuous year immediately prior to taking
6 the examination, and have received a diploma from a
7 registered school of cosmetology approved by the board,
8 certifying satisfactory completion of 500 hours of student
9 teacher training; or

13 Section 8. Section 37-31-308, MCA, is amended to read: "37-31-308. Examination -- reexamination -- exemption 14 15 for handicapped persons. (1) Examinations for a license to 16 practice cosmetology or manicuring or to teach cosmetology shall be held at a-place-and-time places and times specified 17 by the board at--least-two-times-a-year-and-not-more-than 18 five-times-a-year-and-for-teacheris-license-once-each--vear. 19 20 The examinations shall be conducted by the department, 21 subject to 37-1-101. The examinations may not be confined 22 to a specific method or system.

23 (2) Anyone failing twice to pass an examination <u>for a</u>
24 <u>license to practice cosmetology</u> may not apply to retake the
25 examination:

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(a) sooner than 6 months after the date of the second failure; or

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

6 (3) Anyone failing twice to pass the examination for a 7 license to practice manicuring must meet the additional 8 requirements prescribed by the board before applying to 9 retake the examination.

10 (4) Anyone failing twice to pass the examination for a 11 license to teach cosmetology must wait 1 year before 12 reapplying to take the examination. Upon reapplying, the 13 applicant must provide certification of completion of 500 14 hours of teacher training during that year in a registered 15 school licensed as a teacher training unit.

16 (5) Physically handicapped persons trained for cosmetology or manicuring by the department of social and 17 rehabilitation services shall, for a period of 1 year 18 immediately following their graduation, be exempt from the 19 examination and the fees described in 37-31-323. On 20 from the department of social 21 certification and 22 rehabilitation services that a department of social and rehabilitation services beneficiary has successfully 23 completed the required apprenticeship-or training in a shop 24 or beauty school or manicuring school, the department shall 25

issue the person the necessary certificate or license to
 practice the profession in this state."

Section 9. Section 37-31-311, MCA, is amended to read: 3 4 "37-31-311. School----of----cosmetology Schools 5 certificate of registration -- requirements -- bond -curriculum. (1) No person, firm, partnership, or corporation 6 7 may operate a school for the purpose of teaching cosmetology for compensation or for the purpose of teaching manicuring 8 9 for compensation unless a certificate of registration has 10 been first obtained from the department. Application for 11 the certificate shall be filed with the department on a form 12 prescribed by the board.

13 (2) No school for teaching cosmetology may be granted
14 a certificate of registration unless it complies or can
15 comply with the following requirements:

16 (a) It shall have in its employ a licensed teacher who 17 is at all times in the immediate supervision of the work of 18 the school, or other teachers the board determines are 19 necessary for the proper conduct of the school. There may 20 not be more than 25 students to each teacher.

(b) It shall possess apparatus and equipment the board
determines is necessary for the ready and full teaching of
all subjects or practices of cosmetology.

24 (c) It shall maintain a school term of not less than25 2,000 hours and shall prescribe a course of practical

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training and technical instruction equal to the requirements 1 for board examinations, which course of training and 2 3 technical instruction shall be prescribed by the board.

(d) It shall keep a daily record of the attendance of 4 5 each student, establish grades, and hold examinations before 6 issuing diplomas.

7 (e) No owner or person in charge of a school of cosmetology may permit a person to sleep in or use for 8 9 residential purposes, or any other purpose which would tend to make the room unsanitary, a room used wholly or in part 10 for a school of cosmetology. 11

(3) No school for teaching manicuring may be granted a 12 13 certificate of registration unless it complies with subsections (2)(a) and (2)(d) and the following 14 15 requirements:

16 (a) It must possess apparatus and equipment the board determines necessary for the ready and full teaching of all 17 subjects or practices of manicuring. 18

19 (b) It must maintain a school term and a course of 20 practical training and technical instruction as prescribed 21 by the board.

22 (c) No owner or person in charge of a school of 23 manicuring may permit_a person to sleep in or use for residential purposes, or any other purpose that would tend 24 25 to make the room unsanitary, a room used wholly or in part

3 refused, revoked, or suspended, as provided in 37-31-331. 4 5 (4)(5) No teacher or student teacher may be permitted to practice cosmetology or manicuring on the public in a 6 7 school of cosmetology or a school of __manicuring. A school that enrolls student teachers for a course of student 8 teacher training may not have, at any one time, more than 9 one student teacher for each full-time licensed teacher 10 actively engaged at the school. The student teachers may not 11 substitute for full-time teachers. 12 (5)(6) The board may make further rules necessary for 13 the proper conduct of schools of cosmetology and schools of 14 manicuring. 15 (6)(7) The board shall require the person, firm, 16

17 partnership, or corporation operating a school of cosmetology or a school of manicuring to furnish a good and 18 sufficient bond in the amount of \$5,000 and in a form and 19 manner prescribed by the board. 20

(7)(8) No professional beauty shop or manicuring shop 21 may be operated in connection with a school of cosmetology 22 or school of manicuring. 23

(8) (9) The board may, by rule, establish a suitable 24 curriculum for teachers' training in registered schools of 25

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for a school of manicuring. 1

2 (3)(4) Licenses or certificates of registration for schools of cosmetology and schools of manicuring may be

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1 cosmetology."

2 Section 10. Section 37-31-312, MCA, is amended to 3 read:

4 "37-31-312. Inspection. (1) The department shall appoint one or more inspectors who-are-licensed-to--practice 5 under--this--chapter, each of whom shall devote his time to 6 inspecting beauty parlors and performing other duties as the 7 department may direct. The inspectors may enter a beauty 8 parlor, manicuring shop, or school of cosmetology, or school 9 of manicuring during business hours for the purpose of 10 11 inspection, and the refusal of a licensee to permit the 12 inspection during business hours is cause for revocation of the license. 13

14 (2) Upon application for a license, any cosmetological
15 establishment or manicuring shop must pay an initial
16 inspection fee prescribed by the board.

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

25 (4) The board shall conduct an annual inspection of

each cosmetology cosmetological establishment and manicuring shop in the state." Section 11. Section 37-31-322, MCA, is amended to read: "37-31-322. Renewal -- continuing education -delinquency fee. (1) Licenses and certificates may be issued for no longer than 1 year unless otherwise provided by rule. Licenses and certificates expire on December 31 unless

8 9 otherwise provided by rule or renewed for the next year or 10 renewal period. Licenses and certificates may be renewed by 11 application made prior to December 31 of each year, unless 12 otherwise provided, and the payment of a required renewal 13 fee. Expired licenses and certificates may be renewed under rules made by the board, but the right to renew an expired 14 license or certificate terminates after 10 years of 15 16 nonpayment. The board may provide by rule for a change in 17 the renewal date and renewal period for the manager-operator and salon owner category. The renewal fee may not exceed 18 twice the fee for a 2-year renewal or three times the fee 19 20 for a 3-year renewal and shall be as set by the board.

21 (2) In addition to the foregoing requirements for
22 renewal, persons applying for the renewal of teachers¹
23 licenses to teach cosmetology must have fulfilled the
24 following additional requirements:

(a) During each year, an active teacher, either

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full-time or part-time, must have successfully completed 30
 hours' professional teacher training at a school approved by
 the board.

(b) A person holding a teacher's license to teach 4 cosmetology but not actively engaged either full-time or 5 part-time in teaching cosmetology or manicuring during the 6 preceding year may renew the license by paying the required 7 fee. A person holding a teacher's license to teach 8 9 cosmetology but not actively engaged in teaching cosmetology or manicuring either full-time or part-time for the 10 preceding year or longer and wishing to resume active 11 teaching of cosmetology or manicuring must successfully 12 complete 30 hours' professional teacher training at a school 13 approved by the board before resuming active teaching. 14 However, the foregoing provisions do not prevent the board, 15 under rules it adopts, from permitting a person holding a 16 teacher's license to teach cosmetology and not actively 17 engaged either full-time or part-time in teaching 18 cosmetology or manicuring from teaching as a substitute for 19 20 an active teacher.

(3) A fee prescribed by the board shall be charged, in
addition to other fees fixed by law, for renewal
applications of licenses and certificates made after
December 31 of each year or other predetermined renewal
deadline. The department shall notify license and

1 certificate holders of the expiration date of licenses and 2 certificates not less than 30 days before the expiration 3 date and call attention to the penalty imposed for failure 4 to renew a license or certificate by the date of 5 expiration."

6 Section 12. Section 37-31-331, MCA, is amended to 7 read:

8 "37-31-331. Refusal, revocation, or suspension of
9 licenses -- grounds -- notice and hearing. (1) The board may
10 refuse to issue, refuse to renew, or may revoke or suspend a
11 license in any one of the following cases:

(a) failure of a person, firm, partnership, or
corporation operating a cosmetological establishment,
<u>manicuring shop</u>, or school of cosmetology, or school of
<u>manicuring to comply with this chapter;</u>

(b) failure to comply with the sanitary rules adopted
by the board and approved by the department of health and
environmental sciences for the regulation of cosmetological
establishments, manicuring shops, or schools of cosmetology,
or schools of manicuring;

21 (c) gross malpractice;

22 (d) continued practice by a person knowingly having an23 infectious or contagious disease;

(e) habitual drunkenness or habitual addiction to theuse of morphine or any habit-forming drug;

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(f) permitting a certificate of registration or
 license to be used where the holder is not personally,
 actively, and continuously engaged in business; or

(g) failure to display the license.

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5 (2) However, the board may not refuse to authorize the
6 department to issue or renew a license or revoke or suspend
7 a license already issued until after notice and opportunity
8 for a hearing."

9 <u>NEW SECTION.</u> Section 13. Extension of authority. Any
10 existing authority of the board of cosmetologists to make
11 rules on the subject of the provisions of this act is
12 extended to the provisions of this act.

13 <u>NEW SECTION.</u> Section 14. Effective date. This act is
14 effective January 1, 1986.

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STATEMENT OF INTENT HOUSE BILL 563 House Business and Labor Committee

A statement of intent is required for this bill because 5 it grants the board of cosmetologists the authority to make 6 rules regarding the practice and teaching of manicuring. 7 Currently Title 37, chapter 31, allows for the licensing of 8 9 practitioners, teachers, and schools of cosmetology. It is 10 the intent of this bill to license those persons wishing to practice manicuring apart from the practice of cosmetology 11 and to require that only a person who holds a valid license 12 to teach cosmetology may teach manicuring to such persons. 13 It is contemplated that rules adopted by the board should 14 15 address the following:

(1) types of programs required for practicing or 16 17 teaching manicuring or operating a school of manicuring, such as classroom instruction and examination; 18

(2) standards for determining programs to be approved 19 for the fulfillment of the requirements, such as adequacy of 20 21 facilities, qualification of instructors, and course 22 content:

(3) the number of hours of instruction required; 23 24 (4) the basic content and the passing grade for any 25 examination required;

untana Legislative Council

(5) preparation of a written application to be filed 1 for examination and practice of manicuring; and 2 (6) methods of monitoring compliance.

> THIRD READING -2-HB 563

1	HOUSE BILL NO. 563
2	INTRODUCED BY MILLER
3	BY REQUEST OF THE BOARD OF COSMETOLOGISTS
4	
5	A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE
6	LAWS RELATING TO COSMETOLOGY; PROVIDING FOR THE LICENSURE

LAWS RELATING TO COSMETOLOGY; PROVIDING FOR THE LICENSURE
AND REGULATION OF MANICURISTS, MANICURING SHOPS, AND SCHOOLS
OF MANICURING; AMENDING SECTIONS 37-31-101, 37-31-203,
37-31-301 THROUGH 37-31-305, 37-31-308, 37-31-311,
37-31-312, 37-31-322, AND 37-31-331, MCA; AND PROVIDING A
DELAYED EFFECTIVE DATE."

12

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

Section 1. Section 37-31-101, MCA, is amended to read: 14 *37-31-101. Definitions. Unless the context requires 15 16 otherwise, in this chapter the following definitions apply: (1) "Practice and teaching of cosmetology" includes 17 work generally and usually included in the terms 18 "hairdressing", "manicuring", and "beauty culture" and 19 performed in so-called hairdressing and beauty shops or by 20 itinerant cosmetologists, which work is done for the 21 22 embellishment, cleanliness, and beautification of the hair, scalp, face, arms, feet, or hands. The practice and teaching 23 of cosmetology shall not be construed to include: 24

25 (a) itinerant cosmetologists who perform their



services without compensation for demonstration purposes in
 any regularly established store or place of business holding
 a license from the state of Montana as such store or place
 of business; or

5 (b) cosmetological artists who demonstrate 6 cosmetological skills under the auspices of the state 7 association of cosmetology or its affiliated units, whether 8 at meetings or in licensed cosmetological establishments.

9 (2) "Cosmetological establishment" means premises, 10 building, or part of a building in which is practiced a 11 branch or combination of branches of cosmetology or the 12 occupation of a hairdresser and cosmetician or cosmetologist 13 and which must have a manager-operator in charge.

14 (3) "Board" means the board of cosmetologists provided15 for in 2-15-1857.

16 (4) "Department" means the department of commerce17 provided for in Title 2, chapter 15, part 18.

18 (5) "Manicuring" includes nail care of the hands and
 19 feet and the application and maintenance of artificial
 20 nails.

21 (6) "Manicuring shop" means premises, a building, or
 22 part of a building in which the art of manicuring is
 23 practiced."

Section 2. Section 37-31-203, MCA, is amended to read:
"37-31-203. Rulemaking powers. The board shall

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préscribe rules for:	1 (f) practice as a finger waver.
(1) the conduct of its business;	2 (2) It is unlawful:
(2) the qualification, examination, and registration	3 (a) for any person who owns, manages, or controls a
f applicants to practice cosmetology or manicuring or to	4 cosmetology shop to employ or use an unlicensed person as a
each cosmetology;	<pre>5 cosmetologist or manicurist;</pre>
(3) the qualification and registration of applicants	6 (b) to operate a cosmetology school without complying
or manager-operator licenses;	7 with all of the regulations of 37-31-311;
(4) the regulation and instruction of apprentices and	8 (c) to practice cosmetology in any place other than in
cudents;	9 a licensed establishment as provided in this chapter, except
(5) the conduct of schools of cosmetology and schools	10 when a licensed operator is requested by a customer to go to
manicuring for apprentices and students; and	11 a place other than a licensed establishment and is sent to
(6) generally the conduct of the persons, firms, or	12 such customer from a licensed establishment;
prporations affected by this chapter."	13 (d) for any person who owns, manages, or controls
Section 3. Section 37-31-301, MCA, is amended to read;	14 manicuring shop to employ or use an unlicensed person as
"37-31-301. Prohibited acts. (1) Without an	15 manicurist;
propriate license issued under this chapter, it shall be	16 (e) to operate a manicuring school without complying
lawful to:	17 <u>with 37-31-311;</u>
(a) practice cosmetology for compensation;	18 $\frac{d}{d}$ to violate any of the provisions of this
(b) own, manage, operate, or conduct a school of	19 chapter."
smetology or school of manicuring;	20 Section 4. Section 37-31-302, MCA, is amended to read
(c) manage or operate a cosmetology shop, manicuring	21 *37-31-302. License required to practice, teach, or
nop, or beauty parlor;	22 operate shop or school. (1) No person may practice or teach
(d) teach in a school of cosmetology or school of	23 cosmetology or practice or teach manicuring without a
nicuring;	24 license.
(e) practice manicuring for compensation;	25 (2) No place may be used or maintained for the
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teaching of cosmetology or manicuring for compensation
 except under a certificate of registration.

3 (3) No person may operater or manager-or-conduct a
 4 beauty shop or school-and-teach-the-art a manicuring shop or
 5 practice cosmetology or manicuring without a
 6 manager-operator license.

7 (4) No person may operate or conduct a school of
8 cosmetology or a school of manicuring and teach the art of
9 cosmetology or manicuring without a license to teach
10 cosmetology.

11 (4)(5) A person, firm, partnership, or corporation 12 desiring to operate a cosmetological establishment shall 13 make an application to the department for a certificate of 14 registration and license. The application shall be 15 accompanied by the annual registration fee.

16 (5)(6) No license may be issued until the inspection 17 fees required in 37-31-312 have been paid."

Section 5. Section 37-31-303, MCA, is amended to read: 18 19 "37-31-303. Application for license to practice or teach. The An applicant for a license to practice or teach 20 cosmetology or for a license to practice manicuring must 21 gualify by filing an application prescribed by the board and 22 23 by taking and passing the examination prescribed by the board and given by the department, subject to 37-1-101. The 24 license must be renewed annually under 37-31-322." 25

1 Section 6. Section 37-31-304, MCA, is amended to read: *37-31-304. Qualifications of applicants for license 2 to practice. (1) Before one a person may practice or--teach 3 cosmetology or--a-persony-firmy-partnershipy-or-corporation 4 may-operate-a--school--of--cosmetology;--the--person;--firm; 5 partnershipy--or--corporation, he must obtain a license or 6 certificate-of-registration to practice cosmetology from the 7 department. Before a person may practice manicuring, he must 8 9 obtain a license to practice manicuring from the department unless he is licensed to practice cosmetology. 10

(2) (a) To be eligible to take the examination to 11 practice cosmetology, the applicant must be not less than 18 12 years of age, a graduate of the 8th grade, and of good moral 13 character. The applicant must have completed a continuous 14 course of study of at least 2,000 hours in a registered 15 beauty school, which course of study has been distributed 16 over a period of not less than 10 months or more than 14 17 months, and must have received a diploma from the beauty 18 school or must have completed the course of study in 19 cosmetology prescribed by the board of public education. 20

21 (3)(b) The A person qualified under subsection (2)(a) 22 must file with the department a written application to take 23 the examination, accompanied by a health certificate issued 24 by a registered, licensed physician on a form supplied by 25 the department, and shall deposit with the department the

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1	required examination fee and pass an examination as to his
2	fitness to practice cosmetology.
3	(3) (a) To be eligible to take the examination to
4	practice manicuring, an applicant must be not less than 18
5	years of age, be of good moral character, possess a high
6	school diploma, an equivalent of a high school diploma
7	recognized by the superintendent of public instruction, or a
8	certificate of completion from a postsecondary
9	vocational-technical center program, and have completed a
10	course of study prescribed by the board in a registered
11	school of cosmetology or a registered school of manicuring.
12	(b) A person qualified under subsection (3)(a) must
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22	(2) To be eligible to take an examination to obtain a
23	license as-a-teacher-of to teach cosmetology, he a person
24	aust:

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equivalent of a high school diploma recognized by the
 superintendent of public instruction; and

3 (2)(b) (a)(i) have a license to practice cosmetology 4 issued by the department, been actively engaged as a beauty 5 operator for 1 continuous year immediately prior to taking 6 the examination, and have received a diploma from a 7 registered school of cosmetology approved by the board, 8 certifying satisfactory completion of 500 hours of student 9 teacher training; or

10 (b)(ii) have been actively engaged as a beauty operator
11 for 3 continuous years immediately prior to taking the
12 teachers' examination."

Section 8. Section 37-31-308, MCA, is amended to read: 13 "37-31-308. Examination -- reexamination -- exemption 14 for handicapped persons. (1) Examinations for a license to 15 practice cosmetology or manicuring or to teach cosmetology 16 shall be held at a-place-and-time places and times specified 17 by the board at--teast-two-times-a-year-and-not-more-than 18 five-times-a-year-and-for-teacherts-ligense-onge-each--year. 19 The examinations shall be conducted by the department, 20 subject to 37-1-101. The examinations may not be confined 21 to a specific method or system. 22

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 license to practice cosmetology may not apply to retake the
 examination:

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(a) sooner than 6 months after the date of the second
 failure; or

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

6 (3) Anyone failing twice to pass the examination for a 7 license to practice manicuring must meet the additional 8 requirements prescribed by the board before applying to 9 retake the examination.

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+3+(5) Physically handicapped persons trained 16 for cosmetology or manicuring by the department of social and 17 rehabilitation services shall, for a period of 1 year 18 immediately following their graduation, be exempt from the 19 examination and the fees described in 37-31-323. On 20 certification from the department of social 21 and rehabilitation services that a department of social and 22 rehabilitation services beneficiary has successfully 23 completed the required apprenticeship-or training in a shop 24 25 or beauty school or manicuring school, the department shall

issue the person the necessary certificate or license to

2 practice the profession in this state."

3 Section 9. Section 37-31-311, MCA, is amended to read: "37-31-311. School----of----cosmetology 4 Schools certificate of registration -- requirements -- bond --5 curriculum. (1) No person, firm, partnership, or corporation 6 may operate a school for the purpose of teaching cosmetology 7 for compensation or for the purpose of teaching manicuring 8 for compensation unless a certificate of registration has 9 been first obtained from the department. Application for 10 the certificate shall be filed with the department on a form 11 12 prescribed by the board.

13 (2) No school for teaching cosmetology may be granted
14 a certificate of registration unless it complies or can
15 comply with the following reguirements:

16 (a) It shall have in its employ a licensed teacher who 17 is at all times in the immediate supervision of the work of 18 the school, or other teachers the board determines are 19 necessary for the proper conduct of the school. There may 20 not be more than 25 students to each teacher.

(b) It shall possess apparatus and equipment the board
determines is necessary for the ready and full teaching of
all subjects or practices of cosmetology.

24 (c) It shall maintain a school term of not less than
25 2,000 hours and shall prescribe a course of practical

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training and technical instruction equal to the requirements
 for board examinations, which course of training and
 technical instruction shall be prescribed by the board.

4 (d) It shall keep a daily record of the attendance of 5 each student, establish grades, and hold examinations before 6 issuing diplomas.

7 (e) No owner or person in charge of a school of 8 cosmetology may permit a person to sleep in or use for 9 residential purposes, or any other purpose which would tend 10 to make the room unsanitary, a room used wholly or in part 11 for a school of cosmetology.

12 (3) No school for teaching manicuring may be granted a
13 certificate of registration unless it complies with
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21 by the board.

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 manicuring may permit a person to sleep in or use for
 residential purposes, or any other purpose that would tend
 to make the room unsanitary, a room used wholly or in part

1 for a school of manicuring.

2 (3)(4) Licenses or certificates of registration for
3 schools of cosmetology and schools of manicuring may be
4 refused, revoked, or suspended, as provided in 37-31-331.

5 (4)(5) No teacher or student teacher may be permitted to practice cosmetology or manicuring on the public in a 6 7 school of cosmetology or a school of manicuring. A school я that enrolls student teachers for a course of student teacher training may not have, at any one time, more than 9 one student teacher for each full-time licensed teacher 10 11 actively engaged at the school. The student teachers may not 12 substitute for full-time teachers.

1.3 (5)(6) The board may make further rules necessary for
14 the proper conduct of schools of cosmetology and schools of
15 manicuring.

16 (6)(7) The board shall require the person, firm, 17 partnership, or corporation operating a school of 18 cosmetology or a school of manicuring to furnish a good and 19 sufficient bond in the amount of \$5,000 and in a form and 20 manner prescribed by the board.

21 (7)(8) No professional beauty shop or manicuring shop
 22 may be operated in connection with a school of cosmetology
 23 or school of manicuring.

24 (8)(9) The board may, by rule, establish a suitable
 25 curriculum for teachers' training in registered schools of

1 cosmetology."

2 Section 10. Section 37-31-312, MCA, is amended to 3 read:

4 "37-31-312. Inspection. (1) The department shall appoint one or more inspectors who-are-licensed-to--practice 5 under--this--chapter, each of whom shall devote his time to 6 7 inspecting beauty parlors and performing other duties as the department may direct. The inspectors may enter a beauty 8 parlor, manicuring shop, or school of cosmetology, or school 9 of manicuring during business hours for the purpose of 10 11 inspection, and the refusal of a licensee to permit the 12 inspection during business hours is cause for revocation of 13 the license.

14 (2) Upon application for a license, any cosmetological
15 establishment or manicuring shop must pay an initial
16 inspection fee prescribed by the board.

(3) The board may authorize the department to grant to 17 a cosmetological establishment or manicuring shop, upon 18 19 payment of the initial inspection fee, a temporary permit 20 authorizing the cosmetological establishment or manicuring 21 shop to operate for a period of not to exceed 90 days or until the inspector is able to make the inspection. 22 whichever event occurs first. This temporary permit is not 23 renewable. 24

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 shop in the state."

3 Section 11. Section 37-31-322, MCA, is amended to 4 read:

"37-31-322. Renewal -- continuing education --5 delinguency fee. (1) Licenses and certificates may be issued 6 for no longer than 1 year unless otherwise provided by rule. 7 Licenses and certificates expire on December 31 unless 8 otherwise provided by rule or renewed for the next year or 9 renewal period. Licenses and certificates may be renewed by 10 application made prior to December 31 of each year, unless 11 otherwise provided, and the payment of a required renewal 12 fee. Expired licenses and certificates may be renewed under 13 rules made by the board, but the right to renew an expired 14 license or certificate terminates after 10 years of 15 nonpayment. The board may provide by rule for a change in 16 the renewal date and renewal period for the manager-operator 17 18 and salon owner category. The renewal fee may not exceed twice the fee for a 2-year renewal or three times the fee 19 for a 3-year renewal and shall be as set by the board. 20

(2) In addition to the foregoing requirements for
renewal, persons applying for the renewal of teachers¹
licenses to teach cosmetology must have fulfilled the
following additional requirements:

(a) During each year, an active teacher, either

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25

full-time or part-time, must have successfully completed 30
 hours' professional teacher training at a school approved by
 the board.

4 (b) A person holding a teacher's license to teach 5 cosmetology but not actively engaged either full-time or 6 part-time in teaching cosmetology or manicuring during the 7 preceding year may renew the license by paying the required 8 fee. A person holding a teacher's license to teach cosmetology but not actively engaged in teaching cosmetology 9 10 or manicuring either full-time or part-time for the 11 preceding year or longer and wishing to resume active 12 teaching of cosmetology or manicuring must successfully 13 complete 30 hours' professional teacher training at a school 14 approved by the board before resuming active teaching. 15 However, the foregoing provisions do not prevent the board, 16 under rules it adopts, from permitting a person holding a 17 teacher*s license to teach cosmetology and not actively engaged either full-time or part-time in teaching 18 19 cosmetology or manicuring from teaching as a substitute for 20 an active teacher.

(3) A fee prescribed by the board shall be charged, in
addition to other fees fixed by law, for renewal
applications of licenses and certificates made after
December 31 of each year or other predetermined renewal
deadline. The department shall notify license and

certificate holders of the expiration date of licenses and
 certificates not less than 30 days before the expiration
 date and call attention to the penalty imposed for failure
 to renew a license or certificate by the date of
 expiration."

6 Section 12. Section 37-31-331, MCA, is amended to 7 read:

8 "37-31-331. Refusal, revocation, or suspension of
9 licenses --- grounds -- notice and hearing. (1) The board may
10 refuse to issue, refuse to renew, or may revoke or suspend a
11 license in any one of the following cases:

12 (a) failure of a person, firm, partnership, or
13 corporation operating a cosmetological establishment,
14 manicuring shop, or school of cosmetology, or school of
15 manicuring to comply with this chapter;

(b) failure to comply with the sanitary rules adopted
by the board and approved by the department of health and
environmental sciences for the regulation of cosmetological
establishments, manicuring shops, or schools of cosmetology,

20 or schools of manicuring;

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(c) gross malpractice;

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

24 (e) habitual drunkenness or habitual addiction to the25 use of morphine or any habit-forming drug;

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(f) permitting a certificate of registration or
 license to be used where the holder is not personally,
 actively, and continuously engaged in business; or

(g) failure to display the license.

4

5 (2) However, the board may not refuse to authorize the 6 department to issue or renew a license or revoke or suspend 7 a license already issued until after notice and opportunity 8 for a hearing."

9 <u>NEW SECTION.</u> Section 13. Extension of authority. Any
10 existing authority of the board of cosmetologists to make
11 rules on the subject of the provisions of this act is
12 extended to the provisions of this act.

<u>NEW SECTION.</u> Section 14. Effective date. This act is
 effective January 1, 1986.

-End-

SENATE

STANDING COMMITTEE REPORT

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MARCH 18 _{9.85}
MR. PRESIDENT
We, your committee on
having had under consideration
LICENSURE AND REGULATION OF MANICURISTS ¢ MANICURIST SHOPS AND SCHOOLS
MILLER (JACOBSON)
Respectfully report as follows: That
be amended as follows:
<pre>1. Page 2, lines 5 though 8. Strike: subsection (b) in its entirety</pre>
2. Page 6, lines 23 through 25. Following: "examination" on line 23 Strike: remainder of line 23 through "department," on line 25
3. Page 8, lines 4 though 6. Following: "department" on line 4 Strike: remainder of line 4 through "examination," on line 6
4. Page 15, line 25 through line 5, page 16. Following: "deadline." on line 25 Strike: remainder of line 25 through "expiration." on line 5

xXX \$****

AND AS AMENDED BE CONCURRED IN

SENATOR JUDY JACOBSON Chairman.

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HB 0563/si

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1	STATEMENT OF INTENT
2	HOUSE BILL 563
3	House Business and Labor Committee

5 A statement of intent is required for this bill because 6 it grants the board of cosmetologists the authority to make 7 rules regarding the practice and teaching of manicuring. 8 Currently Title 37, chapter 31, allows for the licensing of 9 practitioners, teachers, and schools of cosmetology. It is 10 the intent of this bill to license those persons wishing to 11 practice manicuring apart from the practice of cosmetology 12 and to require that only a person who holds a valid license 13 to teach cosmetology may teach manicuring to such persons. 14 It is contemplated that rules adopted by the board should 15 address the following:

(1) types of programs required for practicing or 16 17 teaching manicuring or operating a school of manicuring, such as classroom instruction and examination; 18

19 (2) standards for determining programs to be approved 20 for the fulfillment of the requirements, such as adequacy of 21 facilities, qualification of instructors, and course 22 content;

(3) the number of hours of instruction required; 23 24 (4) the basic content and the passing grade for any 25 examination required;

Montana Legislative Council

(5) preparation of a written application to be filed

for examination and practice of manicuring; and

(6) methods of monitoring compliance.

REFERENCE BILL HB 563

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HB 0563/03

HOUSE BILL NO. 563	1
INTRODUCED BY MILLER	2
BY REQUEST OF THE BOARD OF COSMETOLOGISTS	3
	4
A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE	5
LAWS RELATING TO COSMETOLOGY; PROVIDING FOR THE LICENSURE	6
AND REGULATION OF MANICURISTS, MANICURING SHOPS, AND SCHOOLS	7
OF MANICURING; AMENDING SECTIONS 37-31-101, 37-31-203,	8
37-31-301 THROUGH 37-31-305, 37-31-308, 37-31-311,	· 9
37-31-312, 37-31-322, AND 37-31-331, MCA; AND PROVIDING A	10
DELAYED EFFECTIVE DATE."	11
	12
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:	13
Section 1. Section 37-31-101, MCA, is amended to read:	14
"37-31-101. Definitions. Unless the context requires	15
otherwise, in this chapter the following definitions apply:	16
(1) "Practice and teaching of cosmetology" includes	17
work generally and usually included in the terms	18
"hairdressing", "manicuring", and "beauty culture" and	19
performed in so-called hairdressing and beauty shops or by	20
	INTRODUCED BY MILLER BY REQUEST OF THE BOARD OF COSMETOLOGISTS A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING THE LAWS RELATING TO COSMETOLOGY; PROVIDING FOR THE LICENSURE AND REGULATION OF MANICURISTS, MANICURING SHOPS, AND SCHOOLS OF MANICURING; AMENDING SECTIONS 37-31-101, 37-31-203, 37-31-301 THROUGH 37-31-305, 37-31-308, 37-31-311, 37-31-312, 37-31-322, AND 37-31-331, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE." BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA: Section 1. Section 37-31-101, MCA, is amended to read: "37-31-101. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply: (1) "practice and teaching of cosmetology" includes work generally and usually included in the terms "hairdressing", "manicuring", and "beauty culture" and

itinerant cosmetologists, which work is done for the

embellishment, cleanliness, and beautification of the hair,

scalp, face, arms, feet, or hands. The practice and teaching

tat itinerant cosmetologists who perform their

of cosmetology shall not be construed to include:

services without compensation for demonstration purposes in any regularly established store or place of business holding a license from the state of Montana as such store or place of business;-or.

5 (b)--cosmetological----artists----who-----demonstrate 6 cosmetological--skills--under--the--auspices--of--the--state 7 association-of-cosmetology-or-its-affiliated-units7--whether 8 at-meetings-or-in-licensed-cosmetological-establishments7

9 (2) "Cosmetological establishment" means premises, 10 building, or part of a building in which is practiced a 11 branch or combination of branches of cosmetology or the 12 occupation of a hairdresser and cosmetician or cosmetologist 13 and which must have a manager-operator in charge.

14 (3) "Board" means the board of cosmetologists provided 15 for in 2-15-1857.

16 (4) "Department" means the department of commerce17 provided for in Title 2, chapter 15, part 18.

18	(5)	"Manicuring"		incl	includes		nail care c		of the hands and		
19	feet and	the	applica	tion	and	maint	enance	<u>e o</u>	fa	artific	<u>cial</u>
20	nails.										
21	(6)	"Man	icurina	shop"	mea	ins pr	emises	з. а	Ьu	ildina.	. or

22 part of a building in which the art of manicuring is 23 practiced."

Section 2. Section 37-31-203, MCA, is amended to read:
"37-31-203. Rulemaking powers. The board shall

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prescribe rules for: 1 1 (f) practice as a finger waver. 2 (1) the conduct of its business; (2) It is unlawful: 2 (2) the qualification, examination, and registration 3 з (a) for any person who owns, manages, or controls a 4 of applicants to practice cosmetology or manicuring or to 4 cosmetology shop to employ or use an unlicensed person as a 5 teach cosmetology; 5 cosmetologist or manicurist; 6 (3) the gualification and registration of applicants (b) to operate a cosmetology school without complying 6 7 for manager-operator licenses; 7 with all of the regulations of 37-31-311; 8 (4) the regulation and instruction of apprentices and (c) to practice cosmetology in any place other than in 8 9 students; 9 a licensed establishment as provided in this chapter, except (5) the conduct of schools of cosmetology and schools 10 10 when a licensed operator is requested by a customer to go to 11 of manicuring for apprentices and students; and a place other than a licensed establishment and is sent to 11 (6) generally the conduct of the persons, firms, or 12 such customer from a licensed establishment; 12 corporations affected by this chapter." 13 13 (d) for any person who owns, manages, or controls a 14 Section 3. Section 37-31-301, MCA, is amended to read: 14 manicuring shop to employ or use an unlicensed person as a "37-31-301. Prohibited acts. 15 (1) Without an 15 manicurist; appropriate license issued under this chapter, it shall be 16 (e) to operate a manicuring school without complying 16 17 unlawful to: 17 with 37-31-311; 18 (a) practice cosmetology for compensation; (d)(f) to violate any of the provisions of this 18 (b) own, manage, operate, or conduct a school of 19 19 chapter." 20 cosmetology or school of manicuring; Section 4. Section 37-31-302, MCA, is amended to read: 20 21 (c) manage or operate a cosmetology shop, manicuring 21 "37-31-302. License required to practice, teach, or 22 shop, or beauty parlor; operate shop or school. (1) No person may practice or teach 22 23 (d) teach in a school of cosmetology or school of cosmetology or practice or teach manicuring without a 23 manicuring; 24 24 license. 25 (e) practice manicuring for compensation; 25 (2) No place may be used or maintained for the

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teaching of cosmetology or manicuring for compensation
 except under a certificate of registration.

3 (3) No person may operater or manager-or-conduct a
4 beauty shop or school-and-teach-the-art a manicuring shop or
5 practice cosmetology or manicuring without a
6 manager-operator license.

7 (4) No person may operate or conduct a school of
 8 cosmetology or a school of manicuring and teach the art of
 9 cosmetology or manicuring without a license to teach
 10 cosmetology.

11 (4)(5) A person, firm, partnership, or corporation 12 desiring to operate a cosmetological establishment shall 13 make an application to the department for a certificate of 14 registration and license. The application shall be 15 accompanied by the annual registration fee.

16 (57(6) No license may be issued until the inspection 17 fees required in 37-31-312 have been paid."

18 Section 5. Section 37-31-303, MCA, is amended to read: "37-31-303. Application for license to practice or 19 20 teach. The An applicant for a license to practice or teach cosmetology or for a license to practice manicuring must 21 qualify by filing an application prescribed by the board and 22 by taking and passing the examination prescribed by the 23 board and given by the department, subject to 37-1-101. The 24 license must be renewed annually under 37-31-322." 25

1 Section 6. Section 37-31-304, MCA, is amended to read: "37-31-304. Qualifications of applicants for license 2 to practice. (1) Before one a person may practice or-teach 3 cosmetology or--a-person;-firm;-partnership;-or-corporation 4 5 may-operate-a--school--of--cosmetology;--the--person;--firm; 6 partnership7--or--corporation, he must obtain a license or 7 certificate-of-registration to practice cosmetology from the 8 department. Before a person may practice manicuring, he must obtain a license to practice manicuring from the department 9 10 unless he is licensed to practice cosmetology.

11 (2) (a) To be eligible to take the examination to 12 practice cosmetology, the applicant must be not less than 18 years of age, a graduate of the 8th grade, and of good moral 13 character. The applicant must have completed a continuous 14 course of study of at least 2,000 hours in a registered 15 beauty school, which course of study has been distributed 16 over a period of not less than 10 months or more than 14 17 months, and must have received a diploma from the beauty 18 school or must have completed the course of study in 19 cosmetology prescribed by the board of public education. 20

21 (3)(b) The A person qualified <u>under subsection (2)(a)</u> 22 must file with the department a written application to take 23 the examination-accompanied-by-a-health-certificate--issued 24 by-a--registered,--licensed-physician-on-a-form-supplied-by 25 the-department, and shall deposit with the department the

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1 required examination fee and pass an examination as to his 2 fitness to practice cosmetology. 3 (3) (a) To be eligible to take the examination to 4 practice manicuring, an applicant must be not less than 18 5 years of age, be of good moral character, possess a high 6 school diploma, an equivalent of a high school diploma 7 recognized by the superintendent of public instruction, or a certificate of completion from a postsecondary 8 9 vocational-technical center program, and have completed a course of study prescribed by the board in a registered. 10 school of cosmetology or a registered school of manicuring. 11 12 (b) A person qualified under subsection (3)(a) must 13 file with the department a written application to take the examination and deposit with the department the required 14 15 examination fee." 16 Section 7. Section 37-31-305, MCA, is amended to read: 17 "37-31-305. Qualifications of applicants for license 18 to teach. (1) Before an--applicant a person may teach 19 manicuring to persons seeking only to be licensed to 20 practice manicuring or teach cosmetology, he must obtain 21 from the department a license to teach cosmetology. 22 (2) To be eligible to take an examination to obtain a 23 license as-a-teacher-of to teach cosmetology, he a person 24 must: 25 t (a) be a graduate of high school or possess an -7-HB 563

equivalent of a high school diploma recognized by the
 superintendent of public instruction; and

3 (2)(b) (a)(i) have a license to practice cosmetology issued by the department;-been-actively-engaged-as-a--beauty 4 operator -- for -- 1-continuous-year-immediately-prior-to-taking 5 the--examination; and have received a diploma from a 6 7 registered school of cosmetology approved by the board, 8 certifying satisfactory completion of 500 hours of student 9 teacher training; or 10 (b)(ii) have been actively engaged as a beauty operator 11 for 3 continuous years immediately prior to taking the

12 teachers' examination."

13 Section 8. Section 37-31-308, MCA, is amended to read: 14 *37-31-308. Examination -- reexamination -- exemption 15 for handicapped persons. (1) Examinations for a license to 16 practice cosmetology or manicuring or to teach cosmetology 17 shall be held at a-place-and-time places and times specified 18 by the board at--least-two-times-a-year-and-not-more-than 19 five-times-a-year-and-for-teacheris-license-once-each--year. 20 The examinations shall be conducted by the department. 21 subject to 37-1-101. The examinations may not be confined 22 to a specific method or system. 23 (2) Anyone failing twice to pass an examination for a

24 <u>license to practice cosmetology</u> may not apply to retake the 25 examination:

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(a) sooner than 6 months after the date of the second 2 failure: or (b) until he has taken 200 hours additional teacher 3 training at a registered school of cosmetology approved by 4 5 the board. 6 (3) Anyone failing twice to pass the examination for a license to practice manicuring must meet the additional 7 requirements prescribed by the board before applying to 8 retake the examination. 9 10 (4) Anyone failing twice to pass the examination for a 11 license to teach cosmetology must wait 1 year before reapplying to take the examination. Upon reapplying, the 12 applicant must provide certification of completion of 500 13 hours of teacher training during that year in a registered 14 school licensed as a teacher training unit. 15 (3) Physically handicapped persons trained for 16 cosmetology or manicuring by the department of social and 17 rehabilitation services shall, for a period of 1 year 18 immediately following their graduation, be exempt from the 19 examination and the fees described in 37-31-323. On 20 from the department of social and 21 certification rehabilitation services that a department of social and 22 rehabilitation services beneficiary has successfully 23 completed the required apprenticeship-or training in a shop 24 or beauty school or manicuring school, the department shall 25

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1 issue the person the necessary certificate or license to 2 practice the profession in this state."

3 Section 9. Section 37-31-311, MCA, is amended to read: "37-31-311. School----of----cosmetology Schools 4 5 certificate of registration -- requirements -- bond ---6 curriculum. (1) No person, firm, partnership, or corporation 7 may operate a school for the purpose of teaching cosmetology 8 for compensation or for the purpose of teaching manicuring 9 for compensation unless a certificate of registration has 10 been first obtained from the department. Application for 11 the certificate shall be filed with the department on a form 12 prescribed by the board.

(2) No school for teaching cosmetology may be granted 13 a certificate of registration unless it complies or can 14 15 comply with the following requirements:

(a) It shall have in its employ a licensed teacher who 16 17 is at all times in the immediate supervision of the work of 18 the school, or other teachers the board determines are 19 necessary for the proper conduct of the school. There may 20 not be more than 25 students to each teacher.

21 (b) It shall possess apparatus and equipment the board 22 determines is necessary for the ready and full teaching of 23 all subjects or practices of cosmetology.

24 (c) It shall maintain a school term of not less than 2,000 hours and shall prescribe a course of practical 25

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training and technical instruction equal to the requirements 1 2 for board examinations, which course of training and technical instruction shall be prescribed by the board. 3

(d) It shall keep a daily record of the attendance of 4 each student, establish grades, and hold examinations before S issuing diplomas. 6

(e) No owner or person in charge of a school of 7 8 cosmetology may permit a person to sleep in or use for residential purposes, or any other purpose which would tend 9 to make the room unsanitary, a room used wholly or in part 10 for a school of cosmetology. 11

(3) No school for teaching manicuring may be granted a 12 13 certificate of registration unless it complies with subsections (2)(a) and (2)(d) and the following 14 15 requirements:

(a) It must possess apparatus and equipment the board 16 determines necessary for the ready and full teaching of all 17 18 subjects or practices of manicuring.

(b) It must maintain a school term and a course of 19 practical training and technical instruction as prescribed 20 21 by the board.

(c) No owner or person in charge of a school of 22 manicuring may permit a person to sleep in or use for 23 24 residential purposes, or any other purpose that would tend to make the room unsamitary, a room used wholly or in part 25

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for a school of manicuring.

1 2 (4) Licenses or certificates of registration for 3 schools of cosmetology and schools of manicuring may be 4 refused, revoked, or suspended, as provided in 37-31-331. 5 +4+(5) No teacher or student teacher may be permitted б to practice cosmetology or manicuring on the public in a 7 school of cosmetology or a school of manicuring. A school 8 that enrolls student teachers for a course of student 9 teacher training may not have, at any one time, more than 10 one student teacher for each full-time licensed teacher 11 actively engaged at the school. The student teachers may not 12 substitute for full-time teachers. 13 (5)(6) The board may make further rules necessary for 14 the proper conduct of schools of cosmetology and schools of 15 manicuring. 16 (6)(7) The board shall require the person, firm, 17 partnership, or corporation operating a school of 18 cosmetology or a school of manicuring to furnish a good and 19 sufficient bond in the amount of \$5,000 and in a form and 20 manner prescribed by the board. 21 (7)(8) No professional beauty shop or manicuring shop 22 may be operated in connection with a school of cosmetology 23 or school of manicuring. (8)(9) The board may, by rule, establish a suitable 24 25 curriculum for teachers' training in registered schools of

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1 cosmetology."

2 Section 10. Section 37-31-312, MCA, is amended to 3 read:

"37-31-312. Inspection. (1) The department shall 4 appoint one or more inspectors who-are-licensed-to--practice 5 under--this--chapter, each of whom shall devote his time to б inspecting beauty parlors and performing other duties as the 7 8 department may direct. The inspectors may enter a beauty 9 parlor, manicuring shop, or school of cosmetology, or school of manicuring during business hours for the purpose of 10 inspection, and the refusal of a licensee to permit the 11 inspection during business hours is cause for revocation of 12 13 the license.

14 (2) Upon application for a license, any cosmetological
15 establishment or manicuring shop must pay an initial
16 inspection fee prescribed by the board.

(3) The board may authorize the department to grant to 17 a cosmetological establishment or manicuring shop, upon 18 payment of the initial inspection fee, a temporary permit 19 20 authorizing the cosmetological establishment or manicuring shop to operate for a period of not to exceed 90 days or 21 until the inspector is able to make the inspection, 22 whichever event occurs first. This temporary permit is not 23 24 renewable.

25 (4) The board shall conduct an annual inspection of

each cosmetology cosmetological establishment and manicuring shop in the state."

3 Section 11. Section 37-31-322, MCA, is amended to 4 read:

5 "37-31-322. Renewal -- continuing education --6 delinquency fee. (1) Licenses and certificates may be issued 7 for no longer than 1 year unless otherwise provided by rule. 8 Licenses and certificates expire on December 31 unless 9 otherwise provided by rule or renewed for the next year or 10 renewal period. Licenses and certificates may be renewed by 11 application made prior to December 31 of each year, unless otherwise provided, and the payment of a required renewal 12 13 fee. Expired licenses and certificates may be renewed under 14 rules made by the board, but the right to renew an expired 15 license or certificate terminates after 10 years of 16 nonpayment. The board may provide by rule for a change in 17 the renewal date and renewal period for the manager-operator 18 and salon owner category. The renewal fee may not exceed 19 twice the fee for a 2-year renewal or three times the fee 20 for a 3-year renewal and shall be as set by the board.

(2) In addition to the foregoing requirements for
renewal, persons applying for the renewal of teachers¹
licenses to teach cosmetology must have fulfilled the
following additional requirements:

(a) During each year, an active teacher, either

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1 full-time or part-time, must have successfully completed 30
2 hours' professional teacher training at a school approved by
3 the board.

4 (b) A person holding a teacher's license to teach 5 cosmetology but not actively engaged either full-time or part-time in teaching cosmetology or manicuring during the 6 7 preceding year may renew the license by paying the required 8 fee. A person holding a teacher's license to teach 9 cosmetology but not actively engaged in teaching cosmetology 10 or manicuring either full-time or part-time for the preceding year or longer and wishing to resume active 11 12 teaching of cosmetology or manicuring must successfully complete 30 hours' professional teacher training at a school 13 14 approved by the board before resuming active teaching. 15 However, the foregoing provisions do not prevent the board, under rules it adopts, from permitting a person holding a 16 17 teacher's license to teach cosmetology and not actively 18 engaged either full-time or part-time in teaching cosmetology or manicuring from teaching as a substitute for 19 20 an active teacher.

(3) A fee prescribed by the board shall be charged, in
addition to other fees fixed by law, for renewal
applications of licenses and certificates made after
December 31 of each year or other predetermined renewal
deadline. The --- department --- shell --- notify --- license -- and

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1 certificate-holders-of-the-expiration-date-of--licenses--and 2 certificates--not--less--than--30-days-before-the-expiration 3 date-and-call-attention-to-the-penalty-imposed--for--failure 4 to---renew---a--license--or--certificate--by--the--date--of 5 expiration-"

6 Section 12. Section 37-31-331, MCA, is amended to 7 read:

8 "37-31-331. Refusal, revocation, or suspension of
9 licenses -- grounds -- notice and hearing. (1) The board may
10 refuse to issue, refuse to renew, or may revoke or suspend a
11 license in any one of the following cases:

12 (a) failure of a person, firm, partnership, or
13 corporation operating a cosmetological establishment,
14 manicuring shop, or school of cosmetology, or school of
15 manicuring to comply with this chapter;

(b) failure to comply with the samitary rules adopted
by the board and approved by the department of health and
environmental sciences for the regulation of cosmetological
establishments, manicuring shops, or schools of cosmetology,

20 or schools of manicuring;

21 (c) gross malpractice;

22 (d) continued practice by a person knowingly having an

23 infectious or contagious disease;

(e) habitual drunkenness or habitual addiction to the
use of morphine or any habit-forming drug;

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(f) permitting a certificate of registration or
 license to be used where the holder is not personally,
 actively, and continuously engaged in business; or

(g) failure to display the license.

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5 (2) However, the board may not refuse to authorize the 6 department to issue or renew a license or revoke or suspend 7 a license already issued until after notice and opportunity 8 for a hearing."

<u>NEW SECTION.</u> Section 13. Extension of authority. Any
existing authority of the board of cosmetologists to make
rules on the subject of the provisions of this act is
extended to the provisions of this act.

13 <u>NEW SECTION.</u> Section 14. Effective date. This act is
14 effective January 1, 1986.

-End-