

SENATE BILL 277

Introduced by Boylan, et al.

1/28	Introduced
1/28	Referred to Business & Industry
1/31	Hearing
2/06	Committee Report--Bill Passed as Amended
2/08	Rereferred to Rules
2/13	Hearing
3/14	Taken From Committee
3/15	2nd Read Do Pass Motion Failed
3/15	2nd Reading Indefinitely Postponed

1 Senate BILL NO. 277  
2 INTRODUCED BY Boyle Lynch Marko  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE  
5 LICENSING AUTHORITY FOR ELECTROLOGISTS FROM THE BOARD OF  
6 COSMETOLOGY TO THE BOARD OF MEDICAL EXAMINERS; TO ALLOW AN  
7 ELECTROLOGIST TO SERVE AS A LIAISON TO THE BOARD OF MEDICAL  
8 EXAMINERS; AND AMENDING SECTIONS 2-15-1841, 2-15-1857,  
9 37-32-102, AND 37-32-305, MCA."

10

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

12        **Section 1.** Section 2-15-1841, MCA, is amended to read:

13 "2-15-1841. Board of medical examiners. (1) There is a  
14 Montana state board of medical examiners.

15           (2) The board consists of 10 members appointed by the  
16       governor with the consent of the senate. Appointments made  
17       when the legislature is not in session may be confirmed at  
18       the next session.

19 (3) The members are:

20 (a) five members having the degree of doctor of  
21 medicine;

22 (b) one member having the degree of doctor of  
23 osteopathy;

24 (c) one member who is a licensed podiatrist;

25 (d) one member who is a licensed nutritionist; and

1 Health BILL NO. 277 1 (e) two members of the general public who are not  
2 INTRODUCED BY Barbara L. Harko 2 medical practitioners.

3 (4) The members having the degree of doctor of  
4 medicine may not be from the same county. Each member shall  
5 be a citizen of the United States. Each member, except for  
6 public members, shall have been licensed and shall have  
7 practiced medicine or dietetics-nutrition in this state for  
8 at least 5 years and shall have been a resident of this  
9 state for at least 5 years, except that for 5 years after  
10 October 1, 1987, the number of years of licensure required  
11 for the nutritionist member is no greater than the number of  
12 years this act has been in effect.

13	"2-15-1841. Board of medical examiners. (1) There is a	13	(5) The member who is a licensed nutritionist may vote
14	Montana state board of medical examiners.	14	only on issues that affect the licensure and regulation of
15	(2) The board consists of 10 members appointed by the	15	nutritionists.

16 governor with the consent of the senate. Appointments made  
17 when the legislature is not in session may be confirmed at  
18 the next session.

19 (3) The members are:

20 (a) five members having the degree of doctor of

16 (6) Members shall serve staggered 4-year terms. A term  
17 commences on September 1 of each year of appointment. A  
18 member may, upon notice and hearing, be removed by the  
19 governor for neglect of duty, incompetence, or  
20 unprofessional or dishonorable conduct.

21	medicine;	21	<u>(7) The Montana electrologists association shall elect</u>
22	(b) one member having the degree of doctor of	22	<u>one person to serve as a nonvoting liaison to the board to</u>
23	osteopathy;	23	<u>represent the interests of electrologists.</u>

24 (c) one member who is a licensed podiatrist; 24 ~~(7)~~(8) The board is allocated to the department for  
25 (d) one member who is a licensed nutritionist; and 25 administrative purposes only as prescribed in 2-15-121."

25 (d) one member who is a licensed nutritionist; and 25 administrative purposes only as prescribed in 2-15-121."

**Section 2.** Section 2-15-1857, MCA, is amended to read:

"2-15-1857. Board of cosmetologists. (1) There is a board of cosmetologists.

(2) The board consists of three licensed cosmetologists and one public member who is not engaged in the practice of cosmetology or electrology appointed by the governor with the consent of the senate. Each licensed cosmetologist member appointed shall have actively engaged in the profession of cosmetology for at least 5 years before his appointment and have been a resident of this state for at least 5 years immediately before his appointment. Each member shall be at least 18 years old and a graduate of a high school or its equivalent. No two members of the board may be members of or affiliated with a school of cosmetology.

(3) Each member shall serve for a term of 4 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

**Section 3.** Section 37-32-102, MCA, is amended to read:

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

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

(2) "Board" means the board of ~~cosmetologists~~ medical examiners.

(3) "Department" means the department of commerce.

(4) "Electrology" means the study and professional practice of permanently removing superfluous hair by destroying the hair roots by passage of an electric current with an electrified needle. Electrology as defined in this chapter shall include electrolysis and/or thermolysis. Electrology does not include the practice of pilethermology, which is the study and professional practice of removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices."

**Section 4.** Section 37-32-305, MCA, is amended to read:

"37-32-305. Fees -- renewal -- deposit of moneys collected. (1) The fee for an original electrologist license shall be set by the board. The renewal shall be automatic, unless revoked or suspended for cause, and the renewal fee shall be set by the board.

(2) The ~~fee fees~~ for an original electrologist salon license ~~and a renewal~~ shall be ~~the--same--as--that--for~~ cosmetology-salons set by the board. ~~The-renewal--fee--shall be-the-same-as-that-for-cosmetology-salons:~~

(3) All licenses issued under this chapter expire on December 31 and shall be renewed annually. Failure to renew on or before December 31 shall cause a late renewal fee

1 prescribed by the board to be added to the regular renewal  
2 fee. The right to renew by payment of the late renewal fee  
3 expires after 3 years of nonpayment.

4 (4) All fees or moneys collected by the department  
5 under this chapter shall be deposited in the state special  
6 revenue fund for the use of the board in administration of  
7 the chapter."

8 NEW SECTION. **Section 5.** Saving clause. [This act]  
9 does not affect rights and duties that matured, penalties  
10 that were incurred, or proceedings that were begun before  
11 [the effective date of this act].

-End-

APPROVED BY COMM. ON  
BUSINESS & INDUSTRY

## SENATE BILL NO. 277

INTRODUCED BY BOYLAN, LYNCH, DARKO

A BILL FOR AN ACT ENTITLED: "AN ACT TO TRANSFER THE  
LICENSING AUTHORITY FOR ELECTROLOGISTS FROM THE BOARD OF  
COSMETOLOGY TO THE BOARD OF MEDICAL EXAMINERS; TO ALLOW AN  
ELECTROLOGIST TO SERVE AS A LIAISON TO THE BOARD OF MEDICAL  
EXAMINERS; AND AMENDING SECTIONS 2-15-1841, 2-15-1857,  
37-32-102, AND 37-32-305, MCA."

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

**Section 1.** Section 2-15-1841, MCA, is amended to read:

"2-15-1841. Board of medical examiners. (1) There is a  
Montana state board of medical examiners.

(2) The board consists of 10 members appointed by the  
governor with the consent of the senate. Appointments made  
when the legislature is not in session may be confirmed at  
the next session.

(3) The members are:

(a) five members having the degree of doctor of  
medicine;

(b) one member having the degree of doctor of  
osteopathy;

(c) one member who is a licensed podiatrist;

(d) one member who is a licensed nutritionist; and

(e) two members of the general public who are not  
medical practitioners.

(4) The members having the degree of doctor of  
medicine may not be from the same county. Each member shall  
be a citizen of the United States. Each member, except for  
public members, shall have been licensed and shall have  
practiced medicine or dietetics-nutrition in this state for  
at least 5 years and shall have been a resident of this  
state for at least 5 years, except that for 5 years after  
October 1, 1987, the number of years of licensure required  
for the nutritionist member is no greater than the number of  
years this act has been in effect.

(5) The member who is a licensed nutritionist may vote  
only on issues that affect the licensure and regulation of  
nutritionists.

(6) Members shall serve staggered 4-year terms. A term  
commences on September 1 of each year of appointment. A  
member may, upon notice and hearing, be removed by the  
governor for neglect of duty, incompetence, or  
unprofessional or dishonorable conduct.

(7) The Montana electrologists association shall elect  
RECOMMEND TO THE GOVERNOR one person to serve as a nonvoting  
liaison to the board to represent the interests of  
electrologists. THE GOVERNOR SHALL NAME ONE PERSON TO SERVE  
THE BOARD IN THIS MANNER.

~~77~~(8) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

**Section 2.** Section 2-15-1857, MCA, is amended to read:

"2-15-1857. Board of cosmetologists. (1) There is a board of cosmetologists.

(2) The board consists of three licensed cosmetologists and one public member who is not engaged in the practice of cosmetology or electrology appointed by the governor with the consent of the senate. Each licensed cosmetologist member appointed shall have actively engaged in the profession of cosmetology for at least 5 years before his appointment and have been a resident of this state for at least 5 years immediately before his appointment. Each member shall be at least 18 years old and a graduate of a high school or its equivalent. No two members of the board may be members of or affiliated with a school of cosmetology.

(3) Each member shall serve for a term of 4 years.

(4) The board is allocated to the department for administrative purposes only as prescribed in 2-15-121."

**Section 3.** Section 37-32-102, MCA, is amended to read:

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

(1) "Approved school" means a school which the board has approved as having a course of instruction or education

and training in electrology which meets the criteria established by the board.

(2) "Board" means the board of ~~cosmetologists~~ medical examiners.

(3) "Department" means the department of commerce.

(4) "Electrology" means the study and professional practice of permanently removing superfluous hair by destroying the hair roots by passage of an electric current with an electrified needle. Electrology as defined in this chapter shall include electrolysis and/or thermolysis. Electrology does not include the practice of pilethermology, which is the study and professional practice of removing superfluous hair by passage of radio frequency energy with electronic tweezers and similar devices."

**Section 4.** Section 37-32-305, MCA, is amended to read:

"37-32-305. Fees -- renewal -- deposit of moneys collected. (1) The fee for an original electrologist license shall be set by the board. The renewal shall be automatic, unless revoked or suspended for cause, and the renewal fee shall be set by the board.

(2) The ~~fee fees~~ for an original electrologist salon license ~~and a renewal~~ shall be ~~the--same--as--that--for~~ cosmetology--salons set by the board. The renewal fee shall be the same as that for cosmetology salons.

(3) All licenses issued under this chapter expire on

1 December 31 and shall be renewed annually. Failure to renew  
2 on or before December 31 shall cause a late renewal fee  
3 prescribed by the board to be added to the regular renewal  
4 fee. The right to renew by payment of the late renewal fee  
5 expires after 3 years of nonpayment.

6 (4) All fees or moneys collected by the department  
7 under this chapter shall be deposited in the state special  
8 revenue fund for the use of the board in administration of  
9 the chapter."

10 NEW SECTION. SECTION 5. IMPLEMENTATION. THE GOVERNOR  
11 MAY BY EXECUTIVE ORDER ASSIGN TO THE BOARD OF MEDICAL  
12 EXAMINERS IN A MANNER CONSISTENT WITH [THIS ACT] ANY  
13 FUNCTION RELATING TO THE LICENSING AND REGULATION OF  
14 ELECTROLOGISTS THAT IS ALLOCATED TO THE BOARD OF  
15 COSMETOLOGISTS BY THE 51ST LEGISLATURE AND NOT TRANSFERRED  
16 BY [THIS ACT].

17 NEW SECTION. Section 6. Saving clause. [This act]  
18 does not affect rights and duties that matured, penalties  
19 that were incurred, or proceedings that were begun before  
20 [the effective date of this act].

-End-