

BEFORE THE BOARD OF BARBERS AND COSMETOLOGISTS  
DEPARTMENT OF LABOR AND INDUSTRY  
STATE OF MONTANA

In the matter of the amendment of ARM ) NOTICE OF PUBLIC HEARING ON  
24.121.601 licensure by examination, ) PROPOSED AMENDMENT  
24.121.805 school operating standards, )  
24.121.807 school curricula, and )  
24.121.808 credited hours for Montana- )  
licensed individuals in a cosmetology or )  
barbering program )

TO: All Concerned Persons

1. On September 8, 2017, at 9:00 a.m., a public hearing will be held in the Large Conference Room, 301 South Park Avenue, 4th Floor, Helena, Montana, to consider the proposed amendment of the above-stated rules.

2. The Department of Labor and Industry (department) will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Barbers and Cosmetologists (board) no later than 5:00 p.m., on September 1, 2017, to advise us of the nature of the accommodation that you need. Please contact Sharon Peterson, Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; Montana Relay 1 (800) 253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; or dlibsdcos@mt.gov (board's e-mail).

3. GENERAL STATEMENT OF REASONABLE NECESSITY: The 2017 Montana Legislature enacted Chapter 260, Laws of 2017 (House Bill 393), an act revising the curriculum hours for schools of barbering and cosmetology. The bill was signed by the Governor on May 3, 2017, and will become effective October 1, 2017. The board determined it is reasonably necessary to amend certain existing rules to coincide with the 2017 legislative changes and implement the bill by reducing hours of training required for licensure, and the hours each school must spend training students in specific curriculum areas. Where additional specific bases for a proposed action exist, the board will identify those reasons immediately following that rule.

4. The rules proposed to be amended are as follows, stricken matter interlined, new matter underlined:

24.121.601 LICENSURE BY EXAMINATION (1) and (2) remain the same.

(3) To qualify for licensure by examination, the applicant must submit the following:

- (a) For a barber license:
  - (i) remains the same.

(ii) proof of graduation from an approved school or course of barbering with at least ~~1,500~~ 1100 hours of training as provided in ARM 24.121.604; or, if a Montana-licensed cosmetologist, completion of a supplemental barbering course pursuant to ARM 24.121.808;

(iii) and (iv) remain the same.

(b) For a barber nonchemical license:

(i) remains the same.

(ii) proof of graduation from an approved school or course of barbering with at least ~~1000~~ 900 hours of training as provided in ARM 24.121.604(3);

(iii) and (iv) remain the same.

(c) For a cosmetology license:

(i) remains the same.

(ii) proof of graduation from an approved school or course of cosmetology with at least ~~2,000~~ 1500 hours of training as provided in ARM 24.121.604;

(iii) through (6) remain the same.

AUTH: 37-1-131, 37-31-203, MCA

IMP: 37-1-131, 37-31-303, 37-31-304, 37-31-308, MCA

24.121.805 SCHOOL OPERATING STANDARDS (1) through (7) remain the same.

(8) Appropriately licensed instructors shall directly supervise students at all times on the school premises in the classroom and on the clinic floor. One instructor shall supervise no more than 25 cosmetology, barbering, esthetics, or manicuring students, and no more than ten electrology students, at any time on the clinic floor. No instructor may supervise classroom and clinic floor activities simultaneously.

(9) through (16) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-31-311, MCA

REASON: The board concluded that House Bill 393's reduction in the number of hours required for Montana licensure could affect a school's ability to hire and retain qualified instructors. The board further determined that, while adequate supervision of students is necessary on the clinic floor, such supervision concerns do not apply to a classroom teaching setting. As such, the board is amending this rule to clarify that the 25 students per instructor supervision ratio applies to activities on the clinic floor, but not to classroom teaching activities.

24.121.807 SCHOOL CURRICULA (1) remains the same.

(2) The required curriculum for barbering students is as follows:

(a) ~~4500~~ 1100 hours of training, of which at least 150 hours is in theory, distributed as follows:

(i) haircutting (including proper use of implements, e.g., shears, razors, clippers, thinning shears), ~~250~~ 185 hours;

(ii) shampoo, scalp treatment, and hair styling (thermal and air styling, hair pieces to include weaves and extensions), ~~230~~ 165 hours;

(iii) skin care (including facial shaving, facials, massage, essential oils, facial masks), ~~60~~ 45 hours;

(iv) chemical services (waving, relaxing, hair coloring, and lightening), ~~400~~ 295 hours;

(v) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood spill procedure, and diseases and disorders of skin, hair, and scalp, ~~85~~ 60 hours; and

(vi) shop management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, current state board laws and rules, business ethics, and personal grooming, ~~400~~ 75 hours.

(b) ~~375~~ 275 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(3) The required curriculum for barbering nonchemical students is as follows:

(a) ~~4000~~ 900 hours of training, of which at least 100 hours is in theory, distributed as follows:

(i) haircutting (including proper use of implements, e.g., shears, razors, clippers, and thinning shears), ~~250~~ 225 hours;

(ii) shampoo, scalp treatment, and hair styling (thermal and air styling, and hair pieces to include weaves and extensions), ~~230~~ 205 hours;

(iii) skin care (including facial shaving, facials, massage, essential oils, and facial masks), ~~60~~ 55 hours;

(iv) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood spill procedure, and diseases and disorders of skin, hair, and scalp, ~~85~~ 75 hours; and

(v) shop management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, current state board laws and rules, business ethics, and personal grooming, ~~400~~ 90 hours.

(b) ~~275~~ 250 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(4) The required curriculum for cosmetology students is as follows:

(a) ~~2000~~ 1500 hours of training, of which at least 200 hours is in theory, distributed as follows:

(i) manicuring, ~~125~~ 95 hours to include:

(A) through (D) remain the same.

(ii) esthetics, ~~450~~ 110 hours to include:

(A) through (D) remain the same.

(iii) shampoo (including scalp treatment), hair styling (pin curls, finger waving, thermal curling, blow dry styling, braiding, back combing, and wet setting), ~~260~~ 195 hours;

(iv) chemical services (waving, relaxing (ammonium thioglycolate, sodium hydroxide methods), hair coloring, and hair lightening), ~~530~~ 395 hours;

(v) hair cutting (including the proper uses of implements, e.g., shears, razors, clippers, thinning shears), ~~205~~ 155 hours;

(vi) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current state board laws and rules, ~~450~~ 115 hours; and

(vii) chemistry, bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood spill procedure, and diseases and disorders of hair, scalp, skin, and nails, ~~80~~ 60 hours.

(b) ~~500~~ 375 hours of instruction shall be at the discretion of the school, provided that the hours are within the applicable curriculum.

(5) through (8) remain the same.

AUTH: 37-1-131, 37-31-203, 37-31-311, MCA

IMP: 37-1-131, 37-31-101, 37-31-304, 37-31-305, 37-31-311, MCA

24.121.808 CREDITED HOURS FOR MONTANA-LICENSED INDIVIDUALS IN A COSMETOLOGY OR BARBERING PROGRAM (1) A Montana licensee will receive the following credit of hours towards course requirements upon enrollment in a cosmetology course in Montana:

(a) licensed barber ~~4500~~ 1000 hours;

(b) licensed barber nonchemical ~~4000~~ 900 hours;

(c) remains the same.

(d) licensed manicurist ~~200~~ 150 hours; or

(e) licensed esthetician ~~325~~ 245 hours of credit will be given towards the cosmetology course.

(2) remains the same.

AUTH: 37-1-131, 37-31-203, 37-31-304, MCA

IMP: 37-1-131, 37-31-203, 37-31-304, MCA

REASON: The board is amending (1)(a) and (b) to reduce the credit hours licensees receive upon enrolling in a cosmetology course to align with House Bill 393's reduction in training hours for barber or barber nonchemical licensure. The board is also proportionately reducing the credit hours in (1)(d) and (e) to align with the bill's reduction in training hours for cosmetology licensure.

5. Concerned persons may present their data, views, or arguments either orally or in writing at the hearing. Written data, views, or arguments may also be submitted to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or e-mail to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov), and must be received no later than 5:00 p.m., September 15, 2017.

6. An electronic copy of this notice of public hearing is available at [www.cosmetology.mt.gov](http://www.cosmetology.mt.gov) (department and board's web site). Although the department strives to keep its web sites accessible at all times, concerned persons should be aware that web sites may be unavailable during some periods, due to system maintenance or technical problems, and that technical difficulties in accessing a web site do not excuse late submission of comments.

7. The board maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this board. Persons who wish to have

their name added to the list shall make a written request that includes the name, e-mail, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all board administrative rulemaking proceedings or other administrative proceedings. The request must indicate whether e-mail or standard mail is preferred. Such written request may be sent or delivered to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; faxed to the office at (406) 841-2305; e-mailed to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov); or made by completing a request form at any rules hearing held by the agency.

8. The bill sponsor contact requirements of 2-4-302, MCA, apply and have been fulfilled. The primary bill sponsor was contacted on July 26, 2017, by telephone.

9. Regarding the requirements of 2-4-111, MCA, the board has determined that the amendment of ARM 24.121.601, 24.121.805, 24.121.807, and 24.121.808 will not significantly and directly impact small businesses.

Documentation of the board's above-stated determination is available upon request to the Board of Barbers and Cosmetologists, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2375; facsimile (406) 841-2305; or to [dlibsdcos@mt.gov](mailto:dlibsdcos@mt.gov).

10. Dylan Gallagher, attorney, has been designated to preside over and conduct this hearing.

BOARD OF BARBERS AND COSMETOLOGISTS  
ANGELA PRINTZ  
VICE CHAIRPERSON/ACTING CHAIRPERSON

/s/ DARCEE L. MOE  
Darcee L. Moe  
Rule Reviewer

/s/ PAM BUCY  
Pam Bucy, Commissioner  
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State August 7, 2017.