

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

In the matter of the amendment of	)	NOTICE OF AMENDMENT AND
ARM 24.121.301 definitions,	)	REPEAL
24.121.406 nonroutine applications,	)	
24.121.601 licensure by examination,	)	
24.121.603 licensure by credentialing	)	
with an out-of-state license,	)	
24.121.604 licensure equivalency for	)	
professional education, 24.121.605	)	
application for postsecondary school	)	
licensure, 24.121.801 inspection -	)	
school layout, 24.121.807 school	)	
curricula, 24.121.1105 teacher-	)	
training curriculum and teaching	)	
methodology coursework,	)	
24.121.1301 salons/booth rental, and	)	
24.121.1509 implements,	)	
instruments, supplies, and	)	
equipment, and the repeal of	)	
24.121.404 anonymous complaints	)	

TO: All Concerned Persons

1. On December 23, 2016, the Board of Barbers and Cosmetologists (board) published MAR Notice No. 24-121-14 regarding the public hearing on the proposed amendment and repeal of the above-stated rules, at page 2396 of the 2016 Montana Administrative Register, Issue No. 24.

2. On January 17, 2017, a public hearing was held on the proposed amendment and repeal of the above-stated rules in Helena. One comment was received by the January 20, 2017, deadline.

3. The board has thoroughly considered the comment received. A summary of the comment and the board response are as follows:

COMMENT 1: Board counsel advised the board is without statutory authority to reduce the time for new salons to respond to inspection violations in ARM 24.121.1301(8). Because 37-31-312(3), MCA, allows new salons and shops a minimum of 30 days to respond to inspection violations, only allowing ten days would conflict with the statute.

RESPONSE 1: After considering the comment, the board is not proceeding with the proposed changes to ARM 24.121.1301(8).

4. The board has amended ARM 24.121.301, 24.121.406, 24.121.601, 24.121.603, 24.121.604, 24.121.605, 24.121.801, 24.121.807, 24.121.1105, and 24.121.1509 exactly as proposed.

5. The board has repealed ARM 24.121.404 exactly as proposed.

6. The board has amended ARM 24.121.1301 with the following changes, stricken matter interlined, new matter underlined:

24.121.1301 SALONS/BOOTH RENTAL (1) through (7) remain as proposed.

(8) A new salon or shop may be granted a temporary operating permit pending an initial inspection. No prior notice of the inspection is required. A temporary operating permit shall terminate and a license shall not be granted without board review, unless the salon or shop provides the board with a response within ten ~~30~~ days of the date of the inspection that indicates all the inspection violations have been corrected to the inspector's satisfaction. ~~If the scope of the correction requires additional time, the additional time must be approved by the inspector, but in no case shall the time be extended beyond 30 days of the date of the inspection.~~ If a temporary permit terminates, the salon or shop must cease operation until the application is granted by the board and a license issued. A subsequent temporary operating permit is not available unless the application times out pursuant to ARM 24.121.403 and a new application is filed.

(9) through (12) remain as proposed.

BOARD OF BARBERS AND  
COSMETOLOGISTS  
THAYNE ORTON, PRESIDENT

/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 February 6, 2017