



**MONTANA
ADMINISTRATIVE
REGISTER**



**BOARD OF BARBERS AND COSMETOLOGISTS
DEPARTMENT OF LABOR AND INDUSTRY**

NOTICE OF ADOPTION

MAR NOTICE NO. 2025-221.2

Summary

Implementing House Bills 246 (substantial equivalency) and 336 (apprenticeship pathway to licensure) and updating school curricula, premises operation, and application and renewal fees

Previous Notice(s) and Hearing Information

On September 12, 2025, the Board of Barbers and Cosmetologists (agency) published MAR Notice No. 2025-221.1 regarding the public hearing on the proposed changes to the agency's rules, in the 2025 Montana Administrative Register, Issue No. 17.

On October 2, 2025, a public hearing was held on the proposed changes to the rules via the videoconference and telephonic platform. Comments were received by the comment deadline.

Final Rulemaking Action – Effective November 22, 2025

ADOPT AS PROPOSED

The agency has adopted the following rules as proposed:

NEW RULE 1 (24.121.615) SUBSTANTIAL EQUIVALENCY

**NEW RULE 2 (24.121.616) LICENSURE BY WORK EXPERIENCE IF JURISDICTION LACKS
SUBSTANTIAL EQUIVALENCY**

NEW RULE 3 (24.121.621) APPRENTICESHIP CURRICULA REQUIREMENTS

NEW RULE 4 (24.121.622) MENTORS AND SUPERVISION

NEW RULE 5 (24.121.620) LICENSURE BY APPRENTICESHIP

AMEND AS PROPOSED

The agency has amended the following rules as proposed:

24.121.301 DEFINITIONS

24.121.401 FEES

24.121.403 LICENSE AND REGISTERED APPRENTICE ID CARD DISPLAY REQUIREMENTS

24.121.604 ACCEPTABLE COURSES OF STUDY CONTENT

24.121.611 EXAMINATION REQUIREMENTS AND PROCESS

24.121.807 SCHOOL CURRICULA

24.121.818 SCHOOL EQUIPMENT

24.121.1501 GENERAL PREMISES SANITATION

24.121.2310 UNPROFESSIONAL CONDUCT

REPEAL AS PROPOSED

The agency has repealed the following rule as proposed:

24.121.402 FEE ABATEMENT

Statement of Reasons

The agency has considered the comments and testimony received. A summary of the comments received, and the agency's responses are as follows:

Comment 1: One commenter requested the board set geographical restrictions on apprenticeships, asking for no apprenticeship within 60 miles of any licensed school in Montana.

Response 1: The board is not inclined to place limitations on different paths of training to become licensed based on where a person happens to be located in the state. Apprenticeships under House Bill (HB) 336 (2025) are intended to eliminate barriers to licensure and practice,

including geographical and monetary. There are no geographical restrictions limiting schools and course locations in statute or rule. For apprenticeship to be a viable path to licensure as required under HB 336 (2025), apprenticeships should be available to any person who wants to pursue that route regardless of geographical location as long as there is a willing employer to sponsor the apprenticeship.

Comment 2: One commenter expressed concern regarding exploitation and human trafficking potential within apprenticeships.

Response 2: Sponsors and apprentices must be registered with the Department of Labor and Industry Montana Registered Apprenticeship Program to qualify under HB 336 (2025) and these rules. The Montana Registered Apprenticeship Program inspects worksites where apprentices are working and interviews apprentices regarding their training.

The board does not believe that individuals seeking to exploit or traffic humans would invite the government in for inspections and interviews. Additionally, this board conducts inspections for all licensed salons and shops annually under 37-31-312, MCA, and will continue to do so regardless of whether or not there are sponsored apprentices at those locations. The board does not believe that regulated apprenticeships conducted in already licensed salons and shops creates an environment that increases the likelihood of exploitation and human trafficking in the barbering and cosmetology professions.

Comment 3: One commenter expressed concern that apprentices would be performing haircuts or other services without proper hours of education on the use of tools, sanitation, and safety guidelines.

Response 3: Apprenticeships include both practical experience and educational theory components. NEW RULE 3 requires education in all the areas the commenter expressed concern about for a person to complete an apprenticeship. The specific areas of curriculum for apprenticeships in NEW RULE 3 mirror the same subject matter as those required in licensed school and course curricula under ARM 24.121.807. The board is requiring all apprentices to complete the same number of theory hours as students enrolled in a school prior to being allowed by their sponsor to provide services on the public. Additionally, from a practical standpoint in a salon or shop where mentors are also providing services to their own clients, apprentices may even obtain more than the minimum hours of training required in those areas prior to performing services through didactic learning. Finally, in order to qualify for licensure in Montana, individuals who have completed apprenticeships must still pass the same National Interstate Council of State Boards of Cosmetology (NIC) theory and practical licensing exams that graduates from a school-based course must pass under ARM 24.121.611.

Comment 4: One commenter indicated allowing a family member to serve as both a sponsor and a mentor could lead to conflicts of interest, unfairness, and regulatory violations.

Response 4: The board disagrees with the commenter and will not be prohibiting family members from acting as sponsors or mentors. The board has no laws prohibiting familial

relationships with owners or teachers at licensed schools. Many salons and shops are family businesses. All mentors supervising apprentices have an obligation to comply with the rules and statutes governing both the practice of the profession and apprenticeships, including ensuring the apprentice is also following the board's regulations. In order to complete an apprenticeship to apply for licensure with the board, apprentices must complete all the areas of required education and training regardless of whether or not they have familial ties to the sponsors and/or mentors. Additionally, the board is specifically adding "failure to adequately supervise apprentices" to licensee unprofessional conduct in ARM 24.121.2310.

Comment 5: One commenter urged the board to require apprenticeship sponsors to complete 12 hours of education, consistent with requirements for licensed teachers.

Response 5: The board appreciates all comments. Presently the board only requires continuing education (CE) for teachers under ARM 24.121.2110. CE is not required for barbers, cosmetologists, electrologists, estheticians, or manicurists. The board may consider additional CE requirements for other types of licensees and supervising mentors in a future rulemaking.

Comment 6: One commenter expressed concern that the board is not holding mentors to the same standards as licensed teachers.

Response 6: The board has limited each mentor to two apprentices, ensuring apprentices receive adequate attention and supervision. The board is also requiring each mentor to be on the premises if an apprentice is performing services on a member of the public. Sponsors and mentors are required to ensure apprentices meet the minimum curriculum and education requirements set by the board and the Montana Registered Apprenticeship Program. At this time, the board is not proposing to restrict licensee mentors from also performing services in the shop or salon where they work and earn a living or require that they obtain continuing education.

Under state and federal laws, apprenticeship is designed to be a different path to qualify for licensure from the more traditional school-based education path. To require mentors to comply with the same requirements as schools and become licensed as teachers is overly burdensome on the sponsors and mentors and limits the viability of apprenticeships required under HB 336 (2025). Classroom instruction to large groups of students is different from targeted individual instruction for an apprentice. In fact, recent data from NIC regarding its licensing exam passage rates across the U.S. shows higher passage rates for first-time exam takers who have completed apprenticeships as compared to first-time exam takers who are students from traditional school-based programs. See also Response #5.

Comment 7: One commenter objected to the removal of essential oils from school curricula, indicating there is a body of scientific literature to support their use.

Response 7: The board is repealing references to essential oils as the term is not commonly defined and could be interpreted to include items containing prohibited ingredients. Additionally, the board sets minimum curricula requirements for the courses a school is

licensed to teach. As with other products and techniques not specifically named or defined in board statutes or rules, schools can set their own curricula and course requirements within ARM 24.121.807 as long those products used do not contain prohibited items and chemicals described in ARM 24.121.1517. Not including references to specific types of implements and products other than where absolutely necessary in board rules helps prevent regulatory overreach by the board and avoids possible conflicts in industries where products and equipment are constantly evolving.

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Rule Reviewer

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Approval

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Approval

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