



MONTANA
ADMINISTRATIVE
REGISTER



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

NOTICE OF PROPOSED RULEMAKING

MAR NOTICE NO. 2025-221.1

Summary

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

Hearing Date and Time

Thursday, October 2, 2025, at 11:00 a.m.

Virtual Hearing Information

A public hearing will be held via remote conferencing to consider the proposed changes to the agency's rules. There will be no in-person hearing. Interested parties may access the remote conferencing platform in the following ways:

Join Zoom Meeting: <https://mt-gov.zoom.us/j/81763126211>

Meeting ID: 817 6312 6211; Password: 926750

Dial by Telephone: +1 646 558 8656

Meeting ID: 817 6312 6211; Password: 926750

Comments

Concerned persons may present their data, views, or arguments at the hearing. Written data, views, or arguments may also be submitted at dli.mt.gov/rules or P.O. Box 1728, Helena, Montana 59624. Comments must be received by Friday, October 10, 2025, at 5:00 p.m.

Accommodations

The agency will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. Requests must be made by Thursday, September 25, 2025, at 5:00 p.m.

Contact

Department of Labor and Industry
(406) 444- 5466
laborlegal@mt.gov

Rulemaking Actions

AMEND

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

24.121.301 DEFINITIONS

- (1) "Apprentice" means a person who is a registered apprentice through the Department of Labor and Industry Workforce Services Division Registered Apprenticeship Program for barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring apprenticeship under [HB 336, Section 1] and applicable rules in this subchapter.
- ~~(1)~~ (2) "Barber" and "Barbering" include both chemical and nonchemical barbers and barbering, unless otherwise specified in these rules.
- ~~(2)~~ (3) "Booth renter" means an independent contractor who operates in a licensed salon or shop and is not an employee or owner of the salon or shop.
- ~~(3)~~ (4) "Chemical compounds" means professionally formulated makeup or cosmetic preparations, tonics, lotions, creams, waxes, depilatories, antiseptics, and other skin care and beautification products used in the provision of esthetic services.
- ~~(4)~~ (5) "Direct supervision" means the onsite physical presence of a supervisor in the clinic and basic areas of the school, where students perform educational activities and services.
- ~~(5)~~ (6) "Disinfected" or "disinfection" means eliminating bacteria, viruses, and organisms on inanimate surfaces.

- ~~(6)~~ (7) "Employee" means a person employed by a licensed premises and paid wages and/or commissions in accordance with federal, state, and local regulations.
- ~~(7)~~ (8) "Exfoliation" means the sloughing off of nonliving (dead) skin cells by noninvasive means.
- ~~(8)~~ (9) "Facial shaving" means utilizing a disposable straight edge razor designed for barbering.
- ~~(9)~~ (10) "Hour" of education in a school is equal to 50 minutes of instructional time.
- (11) "Mentor" means a licensee in a sponsor-salon or shop who is supervising the work performed by an apprentice. A mentor must:
- (a) have an active license in good standing in the particular area of practice to supervise;
 - (b) have been licensed for at least six years; and
 - (c) have been employed and working for at least 1500 hours per year for the previous six years.
- ~~(10)~~ (12) "Microdermabrasion" means a gentle, progressive, and noninvasive mechanical exfoliation of the stratum corneum using a closed-loop vacuum system.
- ~~(11)~~ (13) "Mobile salon or shop" means a salon or shop as defined in 37-31-101, MCA, that is readily movable and where licensed services are provided at other than at a fixed location.
- ~~(12)~~ (14) "Needles" mean single-use, presterilized, and disposable needles of various sizes that are stored in a sterile manner.
- ~~(13)~~ (15) "Noninvasive" means superficial procedures confined to the nonliving cells of the epidermis, specifically the stratum corneum layer, and through which living cells beneath the stratum corneum are never altered, cut, or scarred.
- (16) "Sponsor" means a salon or shop that has entered into an apprenticeship agreement with the registered apprenticeship program per ARM Title 24, chapter 21.
- ~~(14)~~ (17) "Sterilization" means to completely destroy all living organisms on a surface.

Authorizing statute(s): [House Bill 336], 37-31-203, 37-31-204, MCA

Implementing statute(s): [House Bill 336], 37-31-101, 37-31-203, 37-31-204, 37-31-309, 37-31-311, MCA

Reasonable Necessity Statement

The board is adding three definitions to implement House Bill (HB) 336 providing a licensure pathway via apprenticeships. See the Reasonable Necessity Statement for NEW RULE 3.

Further, the board is amending the definition of “hour” to clarify the definition only applies to schools as apprenticeship hours are based on the 60-minutes clock standard.

24.121.401 FEES

- (1) Original and renewal license to practice barbering, barbering nonchemical, cosmetology, electrology, esthetics, and manicuring ~~\$ 80~~ \$100.
- (2) Original and renewal ~~active instructor~~ teacher license ~~95~~ \$115.
- (3) ~~Original and renewal inactive instructor license~~ 85
- (4) (3) Original and renewal school license \$220.
- (5) (4) Additional courses within a cosmetology school \$70.
- (6) (5) School/course inspection \$200.
- (7) (6) Original and renewal salon or shop license ~~85~~ \$125.
- (8) (7) Salon or shop inspection \$150.
- (9) (8) Original and renewal booth rental license ~~75~~ \$95.
- (10) ~~Variance request~~ 20
- (11) (9) Additional standardized fees are specified in ARM 24.101.403.
- (12) ~~Examination fees must be paid to the examination administration service as contracted by the board. If the board does not contract examination services, the fees must be paid to the board.~~
- (13) ~~Education evaluation and documentation verification fees for foreign educated applicants must be paid directly to the approved credential evaluating service as specified in ARM 24.121.606.~~
- (14) ~~All individual licenses must be renewed on or before the renewal date set by ARM 24.101.413.~~
- (15) ~~All school licenses must be renewed on or before the renewal date set by ARM 24.101.413.~~
- (16) ~~All salon, shop, and booth rental licenses must be renewed on or before the renewal date set by ARM 24.101.413.~~
- (17) ~~The provisions of ARM 24.101.408 apply.~~

- ~~(18) Any portion of a year is considered a full year. Fees may not be prorated.~~
- ~~(19) Fees are nonrefundable.~~
- (10) The Board of Barbers and Cosmetologists adopts and incorporates by reference the fee abatement rule of the Department of Labor and Industry found at ARM 24.101.301.

Authorizing statute(s): 37-1-131, 37-1-134, 37-31-203, 37-31-323, MCA

Implementing statute(s): 37-1-134, 37-1-141, 37-31-302, 37-31-304, 37-31-305, 37-31-311, 37-31-312, 37-31-323, MCA

Reasonable Necessity Statement

In a standard review of board finances, department staff discovered the board's operating costs have been rising in recent years due to an increase in costs associated largely with legal expenses and inspections. Following a fee analysis, the board determined it is reasonably necessary to amend this rule and increase fees to maintain board operations and compliance with 37-1-134, MCA. Under the current fee schedule, the board's cash is projected to drop to below three quarters its appropriation by the end of fiscal year 2026 to \$757,242. Boards may retain a cash balance of up to two times their appropriation in order to maintain sufficient funds for operations. Board fees were last increased in 2012.

The board estimates the increase in application and renewal fees will affect approximately 9,553 barber, barber nonchemical, cosmetologist, electrologist, esthetician, manicurist, teacher, salon, shop, and booth renter applicants and licensees annually. The board is not raising fees associated with school applications and renewals or premises inspections.

Salons, shops, and booth renters renew annually by July 1 while the other licensees affected are on a biennial renewal cycle with half of the licensees renewing each year by March 1. The fee increases will result in a projected revenue increase of approximately \$245,810 by June 30, 2026. The increase in fees is projected to leave the board with \$1,003,052 in ending cash for fiscal year 2026 and \$1,013,970 in fiscal year 2027, placing the board in a more stable position to continuously keep between one and one and a half times their operating cash available annually. The board and department will continue to monitor cash reserves in a fiscally prudent manner while maintaining current level of operations.

Additional changes to the rule are to clarify the specific licenses included in (1) and remove unnecessary and duplicative language. The language regarding a variance request fee is

unnecessary because the board repealed the variance request rule in August 2024 and no longer offers variance requests.

The board is striking (12) since the board contracts with an examination administrator and all processes are the contractor's and all fees are set and controlled by the contractor. The board does not develop or administer examinations. Striking (13) avoids repeating language in ARM 24.121.604. The board is striking (14) through (19) as these provisions are already provided in department rules.

The board is adding new (10) to incorporate language regarding fee abatement from ARM 24.121.402 which is being repealed to consolidate all fee language in a single rule.

24.121.403 LICENSE AND REGISTERED APPRENTICE ID CARD DISPLAY REQUIREMENTS

- (1) All licensees must display current licenses conspicuously in public view. Addresses on personal licenses may be redacted.
- (2) Booth renters must clearly label all areas of the salon or shop maintained by the renter, such as retail, "roll-abouts," carts, and manicure tables.
- (3) Apprentices must display current Montana Registered Apprenticeship ID cards conspicuously in public view when providing services to the public in a salon or shop.

Authorizing statute(s): [House Bill 336], 37-31-203, MCA

Implementing statute(s): [House Bill 336], 37-31-203, MCA

Reasonable Necessity Statement

Apprentices are not licensed by the board. However, it is reasonably necessary to require apprentices display their ID cards to prove they are practicing legally in a licensed salon or shop as part of a registered apprenticeship for both the public and inspectors. See also the Reasonable Necessity Statement for NEW RULE 3.

24.121.604 ACCEPTABLE COURSES OF STUDY CONTENT

- (1) To qualify for licensure by examination or as an out-of-state applicant, an applicant's course of study or apprenticeship must consist of the hours specified in 37-31-304, MCA, or [NEW RULE 3], and include the following minimum training content:

- (a) Barbering:
 - (i) haircutting with proper ~~uses~~ use of tools;
 - (ii) shampooing and scalp treatments;
 - (iii) hairstyling, including weaves, braiding, and extensions;
 - (iv) wet setting, blow drying, curling, and flat ironing; and the arranging of dry hair;
 - (v) hair coloring, hair lightening, waving, and relaxing;
 - (vi) facial shaving with straight edge razor; and
 - (vii) skin care; or
 - (viii) if applicant is a Montana-licensed cosmetologist, completion of a supplemental barbering course per ARM 24.121.807.
- (b) Barbering nonchemical:
 - (i) haircutting with proper ~~uses~~ use of tools;
 - (ii) shampooing and scalp treatments;
 - (iii) hairstyling, including weaves, braiding, and extensions;
 - (iv) wet setting, blow drying, curling, and flat ironing; and the arranging of dry hair;
 - (v) facial shaving with straight edge razor; and
 - (vi) skin care.
- (c) Cosmetology:
 - (i) manicuring and pedicuring, including massage and polishing, nail art, and use of an electric nail file;
 - (ii) application and removal of artificial nails, gels, and tips, ~~and wraps~~;
 - (iii) skin care, skin exfoliation, facials, makeup application, epilation, electricity and light therapies, and application of artificial lashes;
 - (iv) hair coloring, hair lightening, waving, and relaxing;
 - (v) shampoo and scalp treatments;
 - (vi) hairstyling, including weaves, braiding, and extensions;
 - (vii) wet setting, blow drying, curling and flat ironing, and the arranging of dry hair; and
 - (viii) haircutting with proper ~~uses~~ use of tools.

- (d) Electrology:
 - (i) electrolysis;
 - (ii) thermolysis;
 - (iii) the blend;
 - (iv) electricity, chemistry, and light therapy; and
 - (v) epilation.
- (e) Manicuring:
 - (i) manicuring;
 - (ii) pedicuring; and
 - (iii) applying and removing artificial nails, gels, and tips, ~~and wraps~~ and use of an electric file.
- (f) Esthetics:
 - (i) skin care;
 - (ii) skin exfoliation, facials, and makeup application;
 - (iii) epilation;
 - (iv) electricity and light therapies; and
 - (v) application of artificial lashes.
- (2) All board-issued license types have scopes that are limited to noninvasive procedures.
- (3) Teacher applicants see ARM 24.121.607.
- (4) An individual's theory and classroom practical education for licensure may be obtained through distance learning. All practical distance learning must be two-way, interactive, and real time. All floor work on the general public must occur in-person.

Authorizing statute(s): [House Bill 336], 37-31-203, 37-31-304, MCA

Implementing statute(s): [House Bill 336], 37-31-203, 37-31-304, MCA

Reasonable Necessity Statement

See the Reasonable Necessity Statement for NEW RULE 3. The board is correcting grammar to require proper “use” of tools instead of “uses” and striking nail wraps as they are no longer used in the industry.

24.121.611 EXAMINATION REQUIREMENTS AND PROCESS

- (1) Per 37-31-304 and 37-31-305, MCA, or [NEW RULE 3], applicants must pass the National Interstate Council of State Boards of Cosmetology (NIC) theory and practical examinations or their equivalents that align with the license sought.
 - (a) Minimum examination scores are 75 percent on the theory examination and 75 percent on the practical examination.
- (2) Students enrolled in a Montana-licensed school may be made eligible to test by the school following completion of 90 percent of their educational requirements.
- (3) Apprentices who have completed 90 percent of their apprenticeships and meet the requirements of 37-31-304(1)(a), MCA, may be made eligible to test by the Montana Registered Apprenticeship Program.

Authorizing statute(s): [House Bill 336], 37-31-203, 37-31-303, MCA

Implementing statute(s): [House Bill 336], 37-31-303, 37-31-304, 37-31-305, MCA

Reasonable Necessity Statement

Currently, students enrolled in a school may be made eligible to test once 90 percent of their education is complete as the board determined that should be sufficient education to pass the exam. The board concluded that the same logic and potential ability to pass the exams should apply to apprentices. Since the Montana Registered Apprenticeship Program is overseeing apprenticeships, it is appropriate for that program to approve apprentices to register for examinations. See also the Reasonable Necessity Statement for NEW RULE 3.

24.121.807 SCHOOL CURRICULA

- (1) The minimum required curriculum for an 1100-hour barbering chemical course including at least 150 hours in theory, is:
 - (a) haircutting (~~including with proper use of tools implements, e.g., shears, razors, clippers, thinning shears~~), ~~185 - 225~~ hours;

- (b) shampoo, scalp treatment, and hair styling (~~thermal and air styling, hair pieces to include weaves and extensions~~), ~~165 - 150~~ hours;
 - (c) skin care and shaving (~~including facial shaving, facials, massage, essential oils, facial masks~~), ~~45 - 300~~ hours;
 - (d) chemical services (~~waving, relaxing, hair coloring, and lightening~~), ~~295 - 300~~ hours;
 - (e) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood exposure procedure, and diseases and disorders of skin, hair, and scalp; ~~60~~ hours;
 - (f) 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, ~~75 - 60~~ hours; and
 - (g) ~~275~~ 5 hours of barbering chemical instruction at the school's discretion.
- (2) The minimum required curriculum for a 900-hour barbering nonchemical course including at least 100 hours in theory, is:
- (a) haircutting (~~including with proper use of tools implements, e.g., shears, razors, clippers, and thinning shears~~), ~~225~~ hours;
 - (b) shampoo, scalp treatment, and hair styling (~~thermal and air styling, and hair pieces to include weaves and extensions~~), ~~205 - 150~~ hours;
 - (c) skin care and shaving (~~including facial shaving, facials, massage, essential oils, and facial masks~~), ~~55 - 300~~ hours;
 - (d) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood exposure procedure, and diseases and disorders of skin, hair, and scalp, ~~75 - 60~~ hours;
 - (e) 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, ~~90 - 60~~ hours; and
 - (f) ~~250~~ 105 hours of barbering nonchemical instruction at the school's discretion.
- (3) The minimum required curriculum for a 1500-hour cosmetology course including at least 200 hours in theory, is:
- (a) manicuring, ~~95~~ 185 hours including:
 - (i) manicures and pedicures - 35 hours (~~hand and arm massage and polish~~);
 - (ii) pedicures (~~foot, ankle, and lower leg massage, and polish~~);

- (iii) (ii) application of monomer liquid and polymer powder nail enhancements, nail tips, ~~nail wraps~~, UV gels, and nail art - 140 hours; and
- (iv) (iii) use of manicuring implements including the electric nail file - 10 hours;
- (b) esthetics, ~~110~~ 350 hours including:
 - (i) skin care, {facials, cosmetics, makeup, massage, ~~essential oils~~, application and maintenance of artificial eyelashes and extensions, eyelash and eyebrow tinting, and chemical curling of ~~eye-lashes~~ eyelashes, and skin exfoliation } - 300 hours; and
 - (ii) ~~skin exfoliation (manual, chemical, and mechanical exfoliation)~~;
 - (iii) (ii) waxing and tweezing; and - 50 hours.
 - (iv) ~~electricity and light therapy~~;
- (c) shampoo, ~~with~~ scalp treatment, and hair styling (~~pin-curls, finger waving, thermal curling, blow dry styling, braiding, back combing, and wet setting~~), ~~195~~ - 150 hours;
- (d) chemical services (~~waving, relaxing (ammonium thioglycolate, sodium hydroxide methods), hair coloring, and hair lightening~~), ~~395~~ - 300 hours;
- (e) hair cutting (~~with proper use of shears, razors, clippers, thinning shears~~), ~~155~~ - 225 hours;
- (f) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current board laws and rules, ~~115~~ - 60 hours;
- (g) chemistry, bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, and diseases and disorders of hair, scalp, skin, and nails; - 60 hours; and
- (h) ~~375~~ 170 hours of cosmetology instruction at the school's discretion.
- (4) The minimum required curriculum for a 600-hour electrology course including at least 120 hours in theory, is:
 - (a) electrolysis - ~~five~~ 5 hours;
 - (b) thermolysis - 150 hours;
 - (c) the blend - 150 hours;

- (d) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, diseases and disorders of the skin, electricity, chemistry, and light therapy; 70 hours;
 - (e) waxing (~~face, neck, hands, and superfluous hair anywhere on the body, including tweezing~~); 10 hours;
 - (f) salon management, general facility sanitation and cleanliness, business methods, appointment book, customer service, professional ethics, and current state board laws and rules; 65 hours; and
 - (g) 150 hours of electrology instruction at the school's discretion.
- (5) The minimum required curriculum for a 650-hour esthetics course including at least 65 hours in theory, is:
- (a) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, diseases and disorders of the skin, electricity, chemistry, and light therapy; ~~70~~ 60 hours;
 - (b) massage, skin care, makeup, (~~including the use of vaporizer, high frequency, massage brush, vacuum spray, galvanic unit, and lamps~~), cosmetics, facials, essential oils, the application and maintenance of artificial eyelashes and extensions, eyelash and eyebrow tinting of the eyelashes and eyebrows, the chemical curling of ~~the eye-lashes~~ eyelashes, and skin exfoliation (~~including manual, chemical, and mechanical exfoliation~~); 300 hours;
 - (c) waxing (~~face, neck, hands, and superfluous hair anywhere on the body, including tweezing~~); 50 hours;
 - (d) salon management, general facility sanitation and cleanliness, business methods, appointment book, customer service, professional ethics, and current state board laws and rules; ~~70~~ 60 hours; and
 - (e) ~~160~~ 180 hours of esthetics instruction at the school's discretion.
- (6) The minimum required curriculum for a 400-hour manicuring course including at least 40 hours in theory, is:
- (a) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current board laws and rules; 60 hours;
 - (b) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, diseases and disorders of skin and nails, basic chemistry, nail product chemistry, and electricity; ~~55~~ 60 hours;
 - (c) manicures (~~including hand and arm massage~~), pedicures (~~including foot, ankle, and lower leg massage~~), polish applications, and the proper use of manicuring implements; ~~a minimum of~~ 35 hours;

- (d) use of the electric nail file, _ 10 hours;
 - (e) application of monomer liquid and polymer powder nail enhancements, nail tips, ~~nail wraps~~, UV gels, and nail art, ~~a minimum of~~ _ 140 hours; and
 - (f) ~~100~~ 95 hours of manicuring instruction at the school's discretion.
- (7) The minimum required curriculum for a 650-hour teacher-training course is:
- (a) teaching methods - 245 hours including:
 - (i) task analysis;
 - (ii) developing instructional objectives;
 - (iii) visual aids and their construction;
 - (iv) motivational tools;
 - (v) preparation of instructive materials;
 - (vi) lesson planning (~~including practical theory and practical demonstration classes~~);
 - (vii) fundamentals of speech and public speaking;
 - (viii) methods of test construction;
 - (ix) methods of evaluation or grading; and
 - (x) curriculum planning and development;
 - (b) general psychology - 75 hours including:
 - (i) general teaching and counseling principles;
 - (ii) conflict resolution;
 - (iii) student counseling;
 - (iv) student and teacher relationships; and
 - (v) public relations;
 - (c) business methods - 115 hours including:
 - (i) recruitment;
 - (ii) job analysis;
 - (iii) student registration, withdrawal, and hours (~~tracking, completing, calculating, and verifying~~);
 - (iv) ethical employee and employer relationships;
 - (v) salon/booth rental relationship;

- (vi) professional ethics; and
 - (vii) current board laws and rules;
 - (d) advanced theory of cosmetology, esthetics, manicuring, barbering, or electrology, and the chemistry, safety, sanitation, bacteriology, physiology, anatomy, and diseases and disorders that apply to each course - 75 hours; and
 - (e) 140 hours of teacher-training instruction at the school's discretion.
- (8) "Supplemental barbering course" is a course of study in a licensed school offering a barbering or barbering nonchemical course, consisting of at least ~~125~~ 50 hours in clipper cuts and ~~25~~ 100 hours in facial, neck, and outline shaving, taken by someone licensed in Montana or another jurisdiction to meet the educational requirements for a barber or barber nonchemical license prior to taking the board-approved exam.

Authorizing statute(s): 37-31-203, 37-31-311, MCA

Implementing statute(s): 37-31-101, 37-31-304, 37-31-305, 37-31-311, MCA

Reasonable Necessity Statement

It is reasonably necessary to amend (1) through (6) to ensure the curriculum areas required in licensed Montana schools are consistent with those areas that staff and board already use to evaluate applications from education received in schools outside of Montana under ARM 24.121.604. The adjusted hours specifically reflect current school curricula and standard training based on input from schools and practitioners on the board.

The board is amending the subcategories of course hours to standardize the areas of study that overlap between all professions such as sanitation and salon/shop management and operations. Amendments also standardize the subcategories in those professions with overlapping scopes of practice, including haircutting and shampooing for barbers and cosmetologists and esthetics and manicuring for cosmetologists.

Amendments also update the rule to remove unnecessary examples of specific types of procedures or implements within the curriculum of each profession. It is not possible to list all areas of evolving practice and instruction. Schools already work to develop curricula based on Montana's scopes of practice and national standards of the professions as part of their teaching methodology. Specific examples only create additional red tape and run the risk of including terminology and procedures that are no longer standard in the evolving industry, or missing things that should be included.

References to essential oils in esthetics are being removed as essential oil is not a commonly defined industry term and could be interpreted to include items that have prohibited ingredients.

Additionally, the minimum hours of required education in certain areas of curriculum have also been standardized so the courses that cover the same areas of curriculum are consistent in the number of hours required.

The board is striking nail wraps as they are no longer used in the industry.

The supplemental barber course hours are being amended to more accurately reflect the required training for a licensed cosmetologist to achieve the necessary education and to qualify for a barber or barber nonchemical license. The area of study that cosmetologist education completely lacks is facial shaving, not clipper cuts, which are taught to some degree in a cosmetology course.

24.121.818 SCHOOL EQUIPMENT

- (1) All schools must provide:
 - (a) a separate classroom, other than the clinic floor, for theory or basic classes;
 - ~~(b)~~ adequate restroom facilities for students and faculty;
 - ~~(c)~~ (b) one sink for hand washing, not in a restroom;
 - ~~(d)~~ (c) one serviceable school first aid kit;
 - ~~(e)~~ (d) a fire extinguisher;
 - ~~(f)~~ (e) one locker per two students;
 - ~~(g)~~ (f) one protective covering per student; and
 - ~~(h)~~ (g) for the first 15 enrolled students:
 - (i) two covered wet sanitizers;
 - (ii) one closed cabinet for clean linens;
 - (iii) one covered soiled linen container; and
 - (iv) two covered garbage containers.
 - ~~(i)~~ (h) The required equipment in ~~(h)~~ (g) must be doubled for 16 to 30 students and tripled for 31 to 45 students.

- (2) In addition to the requirements in (1), each school must ensure adequate equipment and stations for all students to be taught the curriculum of the course(s) the school is licensed to teach.
- (3) Each student actively working on the clinic floor must have access to an individual station.
- (2) ~~All barbering, barbering nonchemical, or cosmetology schools offering separate barbering, barbering nonchemical, or supplemental barbering courses must provide:~~
 - (a) ~~one barber style chair and workstation with mirror per student on the clinic floor; and~~
 - (b) ~~for the first 15 enrolled students:~~
 - (i) ~~two shampoo bowls;~~
 - (ii) ~~one hair dryer (stationary or portable "roll about"); and~~
 - (iii) ~~one hot lather machine.~~
 - (c) ~~The required equipment in (b) must be doubled for 16 to 30 students and tripled for 31 to 45 students.~~
- (3) ~~Cosmetology schools must provide:~~
 - (a) ~~one styling chair and workstation with mirror per student on the clinic floor; and~~
 - (b) ~~for the first 15 enrolled students:~~
 - (i) ~~two shampoo bowls;~~
 - (ii) ~~one hair dryer (stationary or portable "roll about");~~
 - (iii) ~~two manicure tables; and~~
 - (iv) ~~one facial chair.~~
 - (c) ~~The required equipment in (b) must be doubled for 16 to 30 students and tripled for 31 to 45 students.~~
- (4) ~~Electrology schools must provide:~~
 - (a) ~~an autoclave or dry heat sterilizer;~~
 - (b) ~~stainless steel and gold needles of various sizes per student; and~~
 - (c) ~~a clinical area divided into a minimum of two workstations for the first three enrolled students (one additional station for each additional two students) enclosed by partitions or curtains, and at least ten feet by eight feet in area. Each workstation must include:~~

- (i) ~~one treatment table or chair;~~
- (ii) ~~one magnifying lamp;~~
- (iii) ~~one or more epilators offering either thermolysis, electrolysis, or the blend; and~~
- (iv) ~~one puncture-resistant sharps container.~~
- (d) ~~Only presterilized, disposable needles may be used for electrolysis services in a school, unless reusable needles are sterilized using an autoclave.~~
- (5) ~~Esthetics schools or cosmetology schools offering a separate esthetics course must provide for the first five students:~~
 - (a) ~~one facial bed or chair;~~
 - (b) ~~one magnifying lamp; and~~
 - (c) ~~one facial unit consisting of a vaporizer, high frequency unit, massage brush, vacuum spray, galvanic unit, magnifying lamp, and woods lamp.~~
 - (d) ~~Beds or chairs, and lamps must be increased by one for each additional five students.~~
- (6) ~~Manicuring schools or cosmetology schools offering a separate manicure course must provide:~~
 - (a) ~~one manicure table with chairs per student; and~~
 - (b) ~~electric nail file and appropriate bits.~~

Authorizing statute(s): 37-31-203, 37-31-311, MCA

Implementing statute(s): 37-31-311, MCA

Reasonable Necessity Statement

The board's regulatory authority over schools and courses is to ensure adequate curriculum for education requirements and to ensure appropriate sanitation and operations on the clinic floor where students are performing services on clients under teacher supervision.

The board has determined it is reasonably necessary to strike (2) through (6) and eliminate specific requirements concerning numbers of stations and amount of equipment to avoid unnecessarily burdensome regulations. The board does not currently have this level of specificity in its requirements for salons and shops in which the same functions are performed

on clients with similar equipment and stations. Rather, the board allows salons and shops the discretion within minimum standards to ensure adequate equipment and stations for providing services to clients based on scheduling. Licensed schools and teachers should be allowed this same discretion for ensuring they have adequate stations and equipment for students based on scheduling of the students' classroom schedules and scheduled clients on the clinic floor.

Additionally, see the Reasonable Necessity Statement for ARM 24.121.1501 for stricken (1)(b) regarding restroom facilities.

24.121.1501 GENERAL PREMISES SANITATION

- (1) All areas, fixtures, furniture, floors, walls, windows, doors, and receptacles, ~~and restrooms~~ must be clean, safe, and adequately lighted.
- (2) Carpeting is prohibited in the working areas; and dispensaries; ~~and restrooms~~ of all ~~salons, shops, mobile salons or shops, and schools~~ premises licensed on or after November 19, 2004.
 - (a) Premises licensed prior to this date must use appropriate, nonabsorbent floor covering over the carpet.
 - (b) Upon alteration or remodeling of the premises, carpet must be removed and replaced with appropriate, nonabsorbent floor covering.
- (3) All premises must have:
 - ~~(a)~~ at least one restroom ~~(with a sink):~~
 - ~~(i)~~ on or near the salon or shop premises; or
 - ~~(ii)~~ within the confines of the mobile salon or shop; and containing:
 - ~~(A)~~ a posted hand washing sign;
 - ~~(B)~~ a liquid soap dispenser;
 - ~~(C)~~ single service towels or an air dryer;
 - ~~(D)~~ a covered garbage container; and
 - ~~(E)~~ a locked closet or cabinet if storing chemicals in the restroom;
 - ~~(b)~~ (a) one sink convenient to the work areas, but not within a restroom, with hot and cold running water and:
 - (i) connected to a sewer or septic system; or
 - (ii) connected to a wastewater holding tank and meeting applicable wastewater laws; and

- (iii) a liquid soap dispenser and single service towels or an air dryer;
 - ~~(e)~~ (b) one covered soiled linen container;
 - ~~(d)~~ (c) one covered garbage container; and
 - ~~(e)~~ (d) one enclosed cabinet for storing clean towels and linens.
- (4) Licensees must:
- (a) place garbage in easily cleanable, leak proof, plastic lined, nonabsorbent covered containers and dump frequently to prevent overflow;
 - (b) sweep hair clippings after each client; and
 - (c) dispose of chemicals, liquids, implements, aluminum oxide crystals, or approved corundum in accordance with federal, state, and local regulations.
- (5) If the premises has a public restroom used to store chemicals used in a licensee's practice, the chemicals must be stored in a locked cabinet.

Authorizing statute(s): 37-31-203, 37-31-204, MCA

Implementing statute(s): 37-31-204, MCA

Reasonable Necessity Statement

The board has determined it is reasonably necessary to remove the requirement that salons and shops provide restroom facilities as a condition of licensure and operation. Providing access to a restroom for clients is a convenience for customers but not a requirement for practicing under the scopes of practice at a salon or shop. Requiring a restroom in every shop and salon exceeds setting minimum requirements for safe practice at a licensed premises. Therefore, the board is removing this unnecessarily burdensome licensing requirement for both brick and mortar premises and mobile premises. However, the board is adding (5) to ensure the public's safety if a publicly accessible restroom is used to store chemicals used for practice.

24.121.2310 UNPROFESSIONAL CONDUCT

- (1) In addition to the provisions of 37-1-316, MCA, it is unprofessional conduct for board licensees to:
 - (a) violate a federal, state, or local law or rule relating to the conduct of the profession;
 - (b) fail to cooperate with or respond to a department request or investigation;

- (c) fail to report an incident of unsafe practice or unethical conduct of another licensee to the licensing authority;
- (d) perform services or use machines or devices that are outside of the licensee's scope of practice;
- (e) practice under unsanitary or unsafe conditions;
- (f) commit any act of sexual abuse, misconduct, or exploitation whether or not it is related to the licensee's practice; ~~and~~
- (g) fail to adequately supervise apprentices; and
- ~~(g)~~ (h) use the traditional symbol known as the "barber pole," or any likeness thereof, in any manner that may lead the public to believe either that barbering was being practiced in, or that a licensed barber was employed by, a salon or shop that does not employ barbers.

Authorizing statute(s): [House Bill 336], 37-1-319, MCA

Implementing statute(s): [House Bill 336], 37-1-316, 37-1-319, MCA

Reasonable Necessity Statement

The board is amending this rule to implement HB 336. See the Reasonable Necessity Statement for NEW RULE 3.

ADOPT

The rules proposed to be adopted are as follows:

NEW RULE 1 SUBSTANTIAL EQUIVALENCY

- (1) The board adopts and incorporates by reference the 2025 substantial equivalency list for the board's publication. The publication is available on the board's website.
- (2) The board intends to review the publication annually. However, failure to review or adopt a new list does not change the effectiveness of the adoption in this rule.
- (3) License applications from individuals licensed in substantially equivalent states are routine applications as to the education, examination, and experience requirements for licensure. Applications may be nonroutine on other bases.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which was signed by the Governor April 3, 2025, and will become effective October 1, 2025. The bill standardizes substantial equivalency determinations in professional licensing and eliminates duplicative statutory sections regarding equivalency and reciprocity.

While historically available to applicants licensed in other states or jurisdictions, licensure by substantial equivalency has never been consistent among the professional licensing boards and programs. HB 246 creates a standard definition for determining substantial equivalency to be uniformly utilized by all the boards and programs when processing endorsement applications. This will create overall efficiencies in processing endorsement applications and reduce licensing wait times for applicants and employers.

To implement the legislation and further the endorsement licensing process, the board is proposing to adopt NEW RULE 1. The board has compared current licensure standards of the fifty United States for board licensees and determined those that are substantially equivalent per the definition in 37-1-302, MCA. This new rule will adopt and incorporate by reference the board's initial approved list of states having substantially equivalent licensing standards. The list will be published on the board's website. The board will analyze other states' licensing standards annually, and update the published list as needed.

NEW RULE 2 LICENSURE BY WORK EXPERIENCE IF JURISDICTION LACKS SUBSTANTIAL EQUIVALENCY

- (1) Applicants licensed in states determined to not have substantially equivalent licensing requirements as defined in 37-1-304, MCA, must:
 - (a) attest to having worked at least the following number of hours if they have not completed a course of study described under 37-31-304, MCA, or an apprenticeship as described in [NEW RULE 3]:
 - (i) 2200 hours as a licensed barber;
 - (ii) 1800 hours as a licensed barber nonchemical;
 - (iii) 3000 hours as a licensed cosmetologist;
 - (iv) 1200 hours as a licensed electrologist;
 - (v) 1300 hours as a licensed esthetician; or

- (vi) 800 hours as a licensed manicurist; and
- (b) pass examinations as described in ARM 24.121.611.

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 37-1-304, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 246 which takes effect October 1, 2025. This legislation allows licensing boards to set work experience requirements in lieu of education for applicants licensed in states having licensure requirements that are not substantially equivalent to Montana's, and whose individual hours of completed in-school education or apprenticeship do not meet the board's requirements for initial licensure under 37-31-304, MCA, or NEW RULE 3. The board has concluded that training in a licensed school or provides intensive, directed education that is directly applicable to a person's ability to practice, while general work experience lacks these rigorous learning qualities. As such, the board has determined it is appropriate to require individuals who cannot meet the course of training or apprenticeship requirements to attest to work experience of twice the number of hours required for in-school training.

NEW RULE 3 APPRENTICESHIP CURRICULA REQUIREMENTS

- (1) Applicants must complete an apprenticeship under the Montana Registered Apprenticeship Program with a certificate of completion in order for their apprenticeship hours to qualify for licensure.
- (2) The minimum required curriculum for a 2200-hour barbering chemical apprenticeship including at least 150 hours in theory, is:
 - (a) haircutting - 450 hours;
 - (b) shampoo, scalp treatment, and hair styling - 300 hours;
 - (c) skin care - 600 hours;
 - (d) chemical services - 600 hours;
 - (e) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood exposure procedure, and diseases and disorders of skin, hair, and scalp - 120 hours;

- (f) 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, 120 hours; and
 - (g) 10 hours of barbering chemical instruction at the sponsor's discretion.
- (3) The minimum required curriculum for a 2000-hour barbering nonchemical apprenticeship including at least 100 hours in theory, is:
 - (a) haircutting - 450 hours;
 - (b) shampoo, scalp treatment, and hair styling - 300 hours;
 - (c) skin care - 600 hours;
 - (d) chemistry, bacteriology, sanitation, sterilization, safety, skin, hair, and scalp anatomy, physiology, blood exposure procedure, and diseases and disorders of skin, hair, and scalp - 120 hours;
 - (e) 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 - 120 hours; and
 - (f) 410 hours of barbering nonchemical instruction at the sponsor's discretion.
- (4) The minimum required curriculum for a 3000-hour cosmetology apprenticeship including at least 200 hours in theory, is:
 - (a) manicuring - 370 hours including:
 - (i) manicures;
 - (ii) pedicures;
 - (iii) application of monomer liquid and polymer powder nail enhancements, nail tips, UV gels, and nail art; and
 - (iv) use of manicuring implements including the electric nail file;
 - (b) esthetics - 700 hours including:
 - (i) skin care;
 - (ii) skin exfoliation; and
 - (iii) waxing.
 - (c) shampoo, scalp treatment, and hair styling - 300 hours;
 - (d) chemical services - 600 hours;

- (e) hair cutting - 450 hours;
 - (f) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current board laws and rules - 120 hours;
 - (g) chemistry, bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, and diseases and disorders of hair, scalp, skin, and nails - 120 hours; and
 - (h) 340 hours of cosmetology instruction at the sponsor's discretion.
- (5) The minimum required curriculum for a 2000-hour electrology apprenticeship including at least 120 hours in theory, is:
- (a) electrolysis - 10 hours;
 - (b) thermolysis - 300 hours;
 - (c) the blend - 300 hours;
 - (d) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, diseases and disorders of the skin, electricity, chemistry, and light therapy - 140 hours;
 - (e) waxing - 20 hours;
 - (f) salon management, general facility sanitation and cleanliness, business methods, appointment book, customer service, professional ethics, and current state board laws and rules - 130 hours; and
 - (g) 1100 hours of electrology instruction at the sponsor's discretion.
- (6) The minimum required curriculum for a 2000-hour esthetics apprenticeship including at least 65 hours in theory, is:
- (a) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, diseases and disorders of the skin, electricity, chemistry, and light therapy - 120 hours;
 - (b) massage, skin care, makeup, cosmetics, facials, the application and maintenance of artificial eyelashes and extensions, tinting of the eyelashes and eyebrows, the chemical curling of the eye lashes, and skin exfoliation - 600 hours;
 - (c) waxing - 100 hours;
 - (d) salon management, general facility sanitation and cleanliness, business methods, appointment book, customer service, professional ethics, and current state board laws and rules - 120 hours; and

- (e) 1060 hours of esthetics instruction at the sponsor's discretion.
- (7) The minimum required curriculum for a 2000-hour manicuring apprenticeship including at least 40 hours in theory, is:
 - (a) salon management, general facility sanitation and cleanliness, business methods, customer service, appointment book, professional ethics, and current board laws and rules - 120 hours;
 - (b) bacteriology, sanitation, sterilization, safety, anatomy, physiology, blood exposure procedure, diseases and disorders of skin and nails, basic chemistry, nail product chemistry, and electricity - 120 hours;
 - (c) manicures, pedicures, polish applications, and the proper use of manicuring implements - 70 hours;
 - (d) use of the electric nail file - 20 hours;
 - (e) application of monomer liquid and polymer powder nail enhancements, nail tips, UV gels, and nail art - 280 hours; and
 - (f) 1390 hours of manicuring instruction at the sponsor's discretion.
- (8) Apprentices must complete the following hours of basic training and theory education as described in (1) through (7) before providing any services on the public:
 - (a) barbering students - 225;
 - (b) barbering nonchemical students - 150;
 - (c) cosmetology students - 300;
 - (d) electrology students - 150 for facial services and 50 for other services;
 - (e) esthetics students - 150; and
 - (f) manicuring students - 110.

Authorizing statute(s): [House Bill 336], 37-31-203, MCA

Implementing statute(s): [House Bill 336], 37-31-203, MCA

Reasonable Necessity Statement

The 2025 Montana Legislature passed HB 336 which takes effect October 1, 2025. The bill allows people to qualify for licensure in barbering, barbering nonchemical, cosmetology,

electrology, esthetics, and manicuring through completion of an apprenticeship program overseen by the Department of Labor and Industry Workforce Services Division Registered Apprenticeship Program under Title 39, chapter 6, MCA. Qualifying for licensure through apprenticeships will be in addition to school-based education pathways under existing board statutes and administrative rules. House Bill 336 gives the board the authority to establish requirements for these apprenticeships including education and supervision while adhering to federal apprenticeship requirements under 29 CFR part 29, subpart A, as Montana's program adheres to federal standards. The board is adopting NEW RULE 3 to implement this legislation.

The board determined that training in a licensed school provides intensive, directed experience and training that is directly applicable to a person's ability to practice under licensed teachers, while apprenticeship work experience can be less directed and lacks these rigorous learning qualities. As such, the board concluded it is appropriate to require that individuals who do not meet the course of training hours to complete twice the number of hours for in-school training required in 37-31-304, MCA, and ARM 24.121.807 for barbering (2200 hours) and cosmetology (3000 hours). However, under federal law, all apprenticeships conducted by the Montana Registered Apprenticeship Program must be a minimum of 2000 hours and 144 hours of coursework (one year). Therefore, the board has set the minimum hours for barbering nonchemical, electrology, esthetics, and manicuring at 2000 hours each to meet those minimum standards.

While the number of hours for completion differ, the specific areas of curriculum for apprenticeships set forth in NEW RULE 3 mirror the same subject matter as those required in licensed school and course curricula under ARM 24.121.807. This is because apprentices must learn the same scopes of practice as an individual attending a licensed school/course in order to qualify for licensure. The board is also requiring that apprentices complete the same number of theory hours that students enrolled in a school must complete in ARM 24.121.805 prior to performing services to a member of the public.

NEW RULE 4 MENTORS AND SUPERVISION

- (1) Each mentor employed by a sponsor may supervise up to two apprentices.
- (2) A mentor must be onsite at the licensed premises and readily available when an apprentice is providing services to a client.

Authorizing statute(s): [House Bill 336], 37-31-203, MCA

Implementing statute(s): [House Bill 336], 37-31-203, MCA

Reasonable Necessity Statement

The board is adopting NEW RULE 4 to implement HB 336 by establishing supervision requirements for mentors at a sponsor employer that are consistent with federal requirements. Mentors may supervise no more than two apprentices per sponsor.

NEW RULE 5 LICENSURE BY APPRENTICESHIP

- (1) Applicants for licensure by apprenticeship must:
 - (a) complete an apprenticeship through the Montana Registered Apprenticeship Program per [NEW RULE 3]; and
 - (b) pass examinations as described in ARM 24.121.611.

Authorizing statute(s): [House Bill 336], 37-31-203, MCA

Implementing statute(s): [House Bill 336], 37-31-203, MCA

Reasonable Necessity Statement

It is reasonably necessary to adopt NEW RULE 5 to further implement HB 336. This new rule clarifies the application process and requirements for those applying through completed apprenticeships, including passing the requisite theory and practical exams.

REPEAL

The rule proposed to be repealed is as follows:

24.121.402 FEE ABATEMENT

Authorizing statute(s): 37-1-131, MCA

Implementing statute(s): 17-2-302, 17-2-303, 37-1-134, MCA

Reasonable Necessity Statement

This rule is being repealed as its provisions are being relocated to ARM 24.121.401.

Small Business Impact

Pursuant to 2-4-111, MCA, the Montana small businesses that will probably be affected by the proposed rule changes are salons, shops, and schools that are small businesses. The rules implementing HB 336 provide another avenue to obtain a board license through apprenticeships. The board believes these changes will have positive effects, specifically in rural communities where individuals may remain employed while gaining experience through their apprenticeships and not have to move or regularly commute to another city to attend school, as Montana lacks schools in rural areas. The board is not able to predict how many salons and shops will sponsor apprenticeships, nor is it possible to quantify the small business impact of the new apprenticeship opportunities. The board has determined that the proposed rule changes will not create a significant and direct impact on these small businesses.

The board estimates the increase in application and renewal fees will affect approximately 9,553 barber, barber nonchemical, cosmetologist, electrologist, esthetician, manicurist, teacher, salon, shop, and booth renter applicants and licensees annually. The fee increases will result in a projected revenue increase of approximately \$245,810 by June 30, 2026.

Documentation of the small business impact analysis is available upon request.

Bill Sponsor Notification

The primary bill sponsors were contacted by email on June 12, 2025.

Interested Persons

The agency maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by the agency. Persons wishing to have their name added to the list may sign up at dli.mt.gov/rules or by sending a letter to P.O. Box 1728, Helena, Montana 59624 and indicating the program or programs about which they wish to receive notices.

Rule Reviewer

Quinlan L. O'Connor

Approval

Sarah Swanson, Commissioner

Approval

Paula Evans, Chair, Board of Barbers and Cosmetologists