

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,
ARM 24.121.301, 24.121.403,)	ADOPTION, AND REPEAL
24.121.405, 24.121.407, 24.121.1301,)	
24.121.1501, 24.121.1505,)	
24.121.1507, 24.121.1509,)	
24.121.1511, 24.121.1517,)	
24.121.1522, 24.121.2101,)	
24.121.2301; the adoption of New)	
Rules I through III; and the repeal of)	
24.121.1503 pertaining to salons,)	
shops, mobile salons or shops,)	
schools, definitions, general application)	
and license display requirements,)	
variance requests, general)	
requirements and prohibitions, license)	
general information, premises, fixtures,)	
general sanitation, restrooms, sinks,)	
sanitizers, containers, cabinets,)	
implements, instruments, supplies,)	
equipment, sanitizing, disinfecting,)	
preparation storage, handling,)	
prohibited items, blood spills,)	
continuing education instructors,)	
unprofessional conduct, inspections,)	
name change, closure, change of)	
ownership, operation standards, and)	
lighting)	

TO: All Concerned Persons

1. On July 9, 2021, the Board of Barbers and Cosmetologists (board) published MAR Notice No. 24-121-17 regarding the public hearing on the proposed amendment, adoption, and repeal of the above-stated rules, at page 826 of the 2021 Montana Administrative Register, Issue No. 13.

2. On August 3, 2021, a public hearing was held on the proposed amendment, adoption, and repeal of the above-stated rules via the videoconference and telephonic platform. Comments were received by the August 6, 2021, deadline.

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

COMMENT 1: One commenter asked if there will be a separate application for mobile salons and shops.

RESPONSE 1: No, there will not be a separate application as mobile salons and shops fall under the existing license authority for salons and shops. Mobile salons and shops do have specific operating criteria so there will be additional questions added to the current applications to account for the operational and safety requirements associated with operation of a mobile salon or shop.

COMMENT 2: A commenter asked if there would be one statewide license or if the licenses would be issued county by county.

RESPONSE 2: Licenses to operate fixed location and mobile salons and shops are issued by the board under its authority for the entire state. However, licensed mobile salons and shops are still required to meet all applicable local and state laws for mobile businesses where they are operating, including but not limited to operating permits.

COMMENT 3: One commenter asked if the board or the city/county would determine what type of mobile structure was acceptable for licensure and services and included examples such as a mobile home or trailer.

RESPONSE 3: The board has not set any specific examples of the types of structures that meet requirements for mobile salons and shops. Rather, just as it has previously set minimum structure and operating requirements for fixed location shops and salons, these rules set structure and operating requirements for mobile salons and shops in ARM 24.121.407, 24.121.1501, 24.121.1505, and 24.121.1507. See also RESPONSE 2.

COMMENT 4: A commenter supported mobile salons and shops for greater access to services in rural areas.

RESPONSE 4: The board appreciates all comments received during the rulemaking process.

4. The board has amended ARM 24.121.301, 24.121.403, 24.121.405, 24.121.407, 24.121.1301, 24.121.1501, 24.121.1505, 24.121.1507, 24.121.1509, 24.121.1511, 24.121.1517, 24.121.1522, 24.121.2101, and 24.121.2301 exactly as proposed.

5. The board has adopted NEW RULE I (24.121.410), NEW RULE II (24.121.412), and NEW RULE III (24.121.1302) exactly as proposed.

6. The board has repealed ARM 24.121.1503 exactly as proposed.

BOARD OF BARBERS AND COSMETOLOGISTS
ANGELA PRINTZ
PRESIDENT

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

/s/ LAURIE ESAU
Laurie Esau, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State November 30, 2021.