

DEPARTMENT OF LABOR AND INDUSTRY

CHAPTER 121

BOARD OF BARBERS AND COSMETOLOGISTS

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Subchapter 1

Organizational Rules

24.121.101 INTERIM RULE (REPEALED) (History: 37-31-203, MCA; IMP, 37-1-131, 37-31-203, MCA; NEW, 2003 MAR p. 2630, Eff. 11/27/03; REP, 2004 MAR p. 2813, Eff. 11/19/04.)

24.121.102 BOARD ORGANIZATION (1) The Board of Barbers and Cosmetologists adopts and incorporates the organizational rules of the Department of Labor and Industry (department) as listed in chapter 1 of this title. (History: 37-31-203, MCA; IMP, 2-4-201, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04.)

Subchapter 2

Procedural Rules

24.121.201 PROCEDURAL RULES (1) The Board of Barbers and Cosmetologists adopts and incorporates the procedural rules of the department as listed in chapter 2 of this title. (History: 37-31-203, MCA; IMP, 2-4-201, 37-31-203, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04.)

Subchapter 3

Definitions

24.121.301 DEFINITIONS (1) "Approved electrical appliances" are any electrical appliances that assist in the performance of services under a defined scope of practice.

(2) "Approved school" means a school licensed or otherwise approved by a governmental agency of a state or Canadian jurisdiction that issues licenses to practice in the fields of barbering or cosmetology.

(3) "Barber" and "Barbering" include barber nonchemical and barbering nonchemical, unless otherwise specified in these rules.

(4) "Beauty culture" means, but is not limited to, hairdressing, manicuring, and esthetics.

(5) "Blood spill kit" means a kit containing the equipment necessary to follow all of the blood spill procedures as required by ARM 24.121.1522.

(6) "Board-approved exam" means the written and practical examinations, collectively, that are approved by the board.

(7) "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 and abides by the requirements of 39-51-204, MCA.

(8) "Cadet" or "student" instructor means a licensee who is enrolled in a school for the teacher-training program.

(9) "Change in ownership" means when more than 50 percent of the equitable ownership of a salon, shop, mobile salon or shop, or school is transferred to one or more persons or any other legal entity, in a single transaction or in a related series of transactions.

(10) "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 performance of services under a defined scope of practice.

(11) "Clean" means the absence of, or the removal of, soil, dirt, dust, hair, or foreign material, by washing, sweeping, clearing away, or any other appropriate method rendering a sanitary condition.

(12) "Clipper cuts" for barbering education are haircuts performed using the free-hand method with a clipper consistent with what is being taught in the industry.

(13) "Demonstration" means a planned educational instruction that illustrates and explains with examples the merits of products or services to one or more enrolled students. Members of the public may not be charged for any service performed in connection with a demonstration.

(14) "Dermabrasion" or "open dermabrasion" means the surgical application of a wire or diamond frieze by a physician to abrade the skin, vaporizing from the epidermis and possibly down to the papillary layer of the dermis.

(15) "Dermaplane" means the use of a scalpel or sharp, bladed instrument by a physician to "shave" the upper layers of the epidermis.

(16) "Direct supervision" means the on-site physical presence of a supervisor in the clinic and basic areas of the school, where students perform educational activities and services requiring licensure, and includes communication, direction, observation, and evaluation on a consistent basis.

(17) "Disinfected" or "disinfection" means eliminating bacteria, viruses, and organisms on inanimate surfaces.

(18) "Distance education" means education such as computer-based training, Internet, video tape, or other mode of distance delivery where the instructor and student are separated by distance and, in some cases, time.

(19) "Embellishment and beautification" means the improvement of an individual's appearance to meet the individual's need or desire through noninvasive procedures and practices.

(20) "Employee" means a person employed by a salon, shop, mobile salon or shop, or school and paid wages and/or commissions in accordance with federal, state, and local regulations.

(21) "Exfoliation" means the sloughing off of nonliving (dead) skin cells by very superficial and noninvasive means.

(22) "Facial shaving" means utilizing a disposable injector straight edge designed for barbering. Standard shaving positions and strokes are:

- (a) free-hand;
- (b) reverse free-hand;
- (c) back-hand; and
- (d) reverse back-hand.

(23) "Foreign-educated applicant" means an applicant seeking licensure by the board who obtained a high school diploma, or the equivalent of a high school diploma, or professional training in any country outside of the U.S. or Canada.

(24) "Free-hand methods" for clipper cuts are:

- (a) tapering (toe or teeth, middle, heel);
- (b) arching;
- (c) clipper over comb, to:
 - (i) blend;
 - (ii) remove bulk; and
 - (iii) remove cut lines; and
- (d) blending with shear over comb.

(25) "Hairdressing" means performing any or all of the following on natural or artificial hair including, but not limited to, hairstyling (wet, dry, thermal, and braiding), chemical services (waving, relaxing, hair coloring, and lightening), hair cutting, and shampooing and scalp treatments.

(26) "Hour" of education is equal to 50 minutes of instructional time.

(27) "Inactive" means the status of any instructor who fails to meet the continuing education requirement.

(28) "Locker" means a chest, drawer, compartment, closet, or the like that is placed in a set location in a school, made of metal or other rigid and sturdy material, and may be locked for storage and safekeeping of clothing, valuables, and other personal belongings of students only, and is not subject to entry by a board inspector.

(29) "Member of the public" means any person that is not enrolled as a student or employed as an instructor of the school in which the student is attending. Payment or compensation for services shall not be a consideration.

(30) "Microdermabrasion" means a gentle, progressive, very superficial mechanical exfoliation of the uppermost layers of the stratum corneum using a closed-loop vacuum system.

(31) "Mobile salon or shop" means a salon or shop as defined in 37-31-101, MCA, that is readily movable and where barbering, barbering nonchemical, cosmetology, electrology, esthetics, or manicuring are practiced other than at a fixed location.

(32) "Needles" mean single-use, presterilized, and disposable needles of various sizes, which are stored in a manner that will maintain the sterile conditions of contents, away from wetness or extreme humidity.

(a) Needles may not be recapped, bent, or otherwise manipulated by hand prior to disposal, to avoid accidental puncture injury.

(b) Needles must be placed in a puncture-resistant sharps container immediately after use, when damaged, when contaminated before use, or when not used before the preprinted expiration date.

(33) "Noninvasive" means procedures confined to the nonliving cells of the epidermis, specifically the stratum corneum layer, and through which living cells are never altered, cut, or damaged. At no time shall individuals licensed in this chapter perform services where the germinative or basal layers of the skin are compromised.

(34) "Patch test" or "predisposition test" means a test required by federal law under the Food and Drug Act, whereby a small amount of the chemical preparation is applied to the skin of the arm or behind the ear to determine possible allergies (hypersensitivity) of the client.

(35) "Sanitized," "sanitary," or "sanitation" means to significantly reduce the number of pathogens or disease producing organisms found on a surface.

(36) "Single use items" mean items which shall be discarded after being used one time. These items include, but are not limited to, emery boards, nonmetal files without documentation from the manufacturer stating the file is disinfectable, mandrels, and sanding bands for electric files, orangewood/birchwood sticks, wooden applicator sticks or spatulas, porous foot files, disposable gloves, paraffin liners, cotton balls, cotton strips, cotton swabs, neck strips or muslin strips, and any item that cannot be cleaned and disinfected and remain intact in its original condition.

(37) "Sterilization" means to completely destroy all living organisms on a surface.

(38) "Supplemental barbering course" means a course of study in a licensed school offering a barbering or barbering nonchemical course, which consists of at least 125 hours in clipper cuts and 25 hours in facial, neck, and outline shaving, to an individual licensed in Montana or another jurisdiction, to meet the required educational needs for a barber or barber nonchemical license prior to taking the board-approved exam.

(39) "Very superficial" means confined to the uppermost stratum corneum layer of the epidermis.

(40) "Working area" means the area of a salon, shop, mobile salon or shop, or school where students or licensees perform services upon clients or members of the public. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-101, 37-31-203, 37-31-204, 37-31-302, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2010 MAR p. 2378, Eff. 10/15/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

Subchapter 4

General Provisions

<u>24.121.401 FEES</u> (1) Original and renewal license to practice	\$ 80
(2) Original and renewal active instructor license	95
(3) Original and renewal inactive instructor license	85
(4) Original and renewal school license	220
(5) Additional courses within a cosmetology school	70
(6) School/course inspection	200
(7) Original and renewal salon or shop license	85
(8) Salon or shop inspection	150
(9) Original and renewal booth rental license	75
(10) Variance request	20

(11) 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. (History: 37-1-131, 37-1-134, 37-31-203, 37-31-323, MCA; IMP, 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; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 915, Eff. 4/16/10; AMD, 2011 MAR p. 1683, Eff. 8/26/11; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.402 FEE ABATEMENT (1) 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. (History: 37-1-131, MCA; IMP, 17-2-302, 17-2-303, 37-1-134, MCA; NEW, 2006 MAR p. 1383, Eff. 6/2/06.)

24.121.403 GENERAL APPLICATION AND LICENSE DISPLAY

REQUIREMENTS (1) All licensees, including salons, shops, mobile salons or shops, and schools shall display all current licenses conspicuously in public view. Addresses on personal licenses may be covered.

(2) Booth renters shall also:

(a) post a legible sign, of at least six inches by three inches, that the booth/station is a booth rental and is rented by the booth renter; and

(b) clearly label all other areas of the salon or shop maintained by the renter including, but not limited to, retail, "roll-about," carts, and manicure tables.

(3) Mobile salons or shops shall also conspicuously post the mobile salon or shop license on the exterior of the mobile salon or shop.

(4) Licensees seeking to offer mechanical exfoliation or microdermabrasion services shall obtain an endorsement by the board prior to practicing.

(a) To obtain an endorsement, licensees shall complete an additional 50 hours of continuing education in the field of microdermabrasion as follows:

(i) histology of the skin;

(ii) bacteriology;

(iii) client consultation and protection;

(iv) client pre-care and post-care;

(v) product knowledge;

(vi) theory of technical application of microdermabrasion;

(vii) sanitation and safety;

(viii) disposal of waste products; and

(ix) practical application and observation.

(b) A minimum of 50 percent of the required hours must be taught in theory.

(5) Licensees shall submit to the board a notarized copy of a certificate of completion of training for each machine or device to be used by the licensee. Each certificate must include:

(a) licensee name;

(b) date training was completed;

(c) number of hours of training;

(d) name of manufacturer; and

(e) model number of the machine.

(6) Licensees shall advise clients of the necessity for protection of the skin prior to and following an exfoliation procedure. (History: 37-31-203, MCA; IMP, 37-31-301, 37-31-302, 37-31-303, 37-31-305, 37-31-309, 37-31-311, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.404 ANONYMOUS COMPLAINTS (REPEALED) (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-308, MCA; NEW, 2008 MAR p. 382, Eff. 2/29/08; REP, 2017 MAR p. 221, Eff. 2/18/17.)

24.121.405 VARIANCE REQUESTS – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS (1) Applicants for licensure of a salon, shop, mobile salon or shop, or school may submit a variance request from licensing requirements related to safety and sanitation on forms provided by the department. Completed variance requests include appropriate fees and required documentation. The board may only grant a variance from requirements of the safety and sanitation rules upon the board's determination that:

(a) special conditions exist which preclude strict compliance with the rules; and

(b) alternative measures will provide adequate public health and safety protection. (History: 37-1-131, 37-31-203, 37-31-204, MCA; IMP, 37-1-134, 37-31-204, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.406 NONROUTINE APPLICATIONS (1) For the purpose of processing nonroutine applications, the board incorporates the definitions of routine and nonroutine at ARM 24.101.402 by reference.

(2) Nonroutine applications must be reviewed and approved by the board before a license may be issued.

(3) A booth rental application is routine if the applicant holds a current practice license and is not restricted from working as a booth renter. (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18; AMD, 2021 MAR p. 556, Eff. 5/15/21.)

24.121.407 GENERAL REQUIREMENTS AND PROHIBITIONS – SALONS, SHOPS, MOBILE SALONS OR SHOPS, AND SCHOOLS (1) The premises of all salons, shops, mobile salons or shops, and schools must be kept in clean and safe conditions at all times per the requirements in statute and this chapter.

(2) No services connected with a salon, shop, mobile salon or shop, or school can be conducted in any room used as living or sleeping quarters.

(3) No other business, service, or practice may be conducted or provided in a salon, shop, mobile salon or shop, or school unless separated by a full-length partition, except those:

(a) regulated by the board; or

(b) related to the industries regulated by the board.

(4) Animals are permitted on the premises of a salon, shop, or mobile salon or shop only as follows:

(a) Animals assisting individuals with disabilities must be accompanied as specified in 49-4-214, MCA.

(b) Dogs may be permitted on the premises at any time at the discretion of the licensee, after the licensee:

(i) provides proof of current rabies vaccination records for each dog on the premises, and makes such proof available to the board inspector;

(ii) provides a certificate of insurance for liability insurance covering each dog on the premises and maintains a copy of the certificate on the premises; and

(iii) posts a legible sign at or near the entrance of the salon, shop, or mobile salon or shop indicating that there is a dog present on the premises.

(c) Fish are permitted in enclosed tanks or aquariums only.

(d) All other animals are prohibited on the premises of salons, shops, or mobile salons or shops at any time, unless the licensee has submitted a request for a variance that has been approved by the board as provided in rule. (History: 37-31-203, 37-31-204, MCA; IMP, 37-31-204, 37-31-311, MCA; NEW, 2005 MAR p. 99, Eff. 11/19/04; AMD, 2007 MAR p. 859, Eff. 6/22/07; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2021 MAR p. 1773, Eff. 12/11/21.)

24.121.408 APPLICANTS WITH CRIMINAL CONVICTIONS (1) The board incorporates ARM 24.101.406 by reference with the following modifications:

(a) Violent misdemeanor or felony convictions in (6) are routine if the conviction date is more than ten years before the application date, unless the applicant is still in custody due to the conviction or staff otherwise determines the applicant engaged in egregious conduct implicating risk to public safety; and/or

(b) The criteria described in ARM 24.121.406(3). (History: 37-1-131, MCA; IMP, 37-1-101, 37-1-131, MCA; NEW, 2021 MAR p. 556, Eff. 5/15/21.)

Rule 24.121.409 reserved

24.121.410 INSPECTIONS – SALONS, SHOPS, AND MOBILE SALONS OR SHOPS (1) A board-designated inspector will conduct annual on-site inspections of all licensed salons, shops, booths, and mobile salons or shops.

(a) Inspections may be conducted with or without advance notice to the licensee.

(b) Results of the inspection will be provided to the licensee.

(c) If there are any items of noncompliance, the licensee must submit a written response which addresses those items of noncompliance. The response must be received by the board within ten days of the licensee receiving notification of noncompliance.

(d) A report of significant noncompliance will be reviewed by the board screening panel per the department's standard compliance process.

(2) The following inspection process applies to applicants for licensure as a salon, shop, and mobile salon or shop.

(a) Applicants who meet all license requirements with the exception of having passed an initial inspection may be issued a temporary operating permit per 37-31-312, MCA.

(b) Applicants must pass an initial inspection of the facility by a board-designated inspector prior to a license being issued.

(c) Results of the inspection will be provided to the applicant or licensee.

(d) If there are any items of noncompliance, the applicant or licensee must submit a written response which addresses those items of noncompliance. The response must be received by the department within 30 days of receiving notification of noncompliance.

(e) If issues of noncompliance are not corrected within 30 days of the date of notice of noncompliance the temporary operating permit shall terminate and a license shall not be granted without board review.

(i) When a temporary permit terminates, the salon, shop, or mobile salon or shop must cease operation unless a license is issued by the board.

(ii) 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.

(History: 37-31-203, 37-31-204, MCA; IMP, 37-31-101, 37-31-203, 37-31-204, 37-31-302, 37-31-309, 37-31-312, MCA; NEW, 2021 MAR p. 1773, Eff. 12/11/21.)

Rule 24.121.411 reserved

24.121.412 NAME CHANGE, CLOSURE, OR CHANGE OF OWNERSHIP

(1) Using forms provided by the department, salons, shops, mobile salons or shops, and schools must notify the board within ten days of any of the following occurring:

- (a) change of business name;
- (b) closure; and
- (c) change of ownership as defined in these rules.

(2) When there is a change in ownership the license issued to the previous owner is void. The new owner must apply for a license per the applicable requirements in this chapter. (History: 37-31-203, MCA; IMP, 37-31-203, MCA; NEW, 2021 MAR p. 1773, Eff. 12/11/21.)

Subchapter 5 reserved

Subchapter 6

Licensing

24.121.601 LICENSURE BY EXAMINATION (1) Applicants for licensure must submit a completed application on forms provided by the department, electronically or by paper, including appropriate fees and required documentation.

(2) Applicants may qualify for licensure by one of two licensure methods:

(a) examination; or

(b) credentialing.

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

(a) For a barber license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of barbering with at least 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) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(iv) proof of passage of a board-approved examination in barbering.

(b) For a barber nonchemical license:

(i) proof of age;

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

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610;

(iv) proof of passage of a board-approved examination in barbering or barbering nonchemical.

(c) For a cosmetology license:

(i) proof of age;

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

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(iv) proof of passage of a board-approved examination in cosmetology.

(d) For an electrology license:

(i) proof of age;

(ii) proof of graduation from an approved school or course of electrology with at least 600 hours of training as provided in ARM 24.121.604;

(iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(iv) proof of passage of a board-approved examination in electrology.

- (e) For a manicurist license:
 - (i) proof of age;
 - (ii) proof of graduation from an approved school or course of manicuring with at least 400 hours of training as provided in ARM 24.121.604;
 - (iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
 - (iv) proof of passage of a board-approved examination in manicuring.
- (f) For an esthetician license:
 - (i) proof of age;
 - (ii) proof of graduation from an approved school or course of esthetics with at least 650 hours of training as provided in ARM 24.121.604;
 - (iii) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
 - (iv) proof of passage of a board-approved examination in esthetics.
- (g) For an instructor license see ARM 24.121.607.
- (4) Applicants by examination who have never been licensed and who completed their professional education out of state must meet the same requirements as an applicant from Montana.
- (5) Individuals who have been previously licensed in Montana under this chapter, and whose license has terminated, must reapply under one of the licensing methods.
- (6) Applications will automatically time out after one year following the application open date. If an application has timed out, the applicant must reapply and pay all appropriate fees. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-131, 37-31-303, 37-31-304, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2008 MAR p. 382, Eff. 2/29/08; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2017 MAR p. 1956, Eff. 10/28/17.)

24.121.602 MILITARY TRAINING OR EXPERIENCE (1) Pursuant to 37-1-145, MCA, the board shall accept relevant military training, service, or education toward the requirements for licensure as a barber, barber nonchemical, cosmetologist, electrologist, manicurist, or esthetician.

- (2) Relevant military training, service, or education must be completed by an applicant while a member of either:
 - (a) United States Armed Forces;
 - (b) United States Reserves;
 - (c) state national guard; or
 - (d) military reserves.

(3) An applicant must submit satisfactory evidence of receiving military training, service, or education that is equivalent to relevant licensure requirements as a barber, barber nonchemical, cosmetologist, electrologist, manicurist, or esthetician. At a minimum, satisfactory evidence shall include:

(a) a copy of the applicant's military discharge document (DD 214) or other discharge documentation;

(b) a document that clearly shows all relevant training, certification, service, or education the applicant received while in the military, including dates of training and completion or graduation; and

(c) any other documentation as required by the board.

(4) The board shall consider all documentation received to determine whether an applicant's military training, service, or education is equivalent to relevant licensure requirements. (History: 37-1-145, MCA; IMP, 37-1-145, MCA; NEW, 2014 MAR p. 1085, Eff. 5/23/14; AMD, 2015 MAR p. 2034, Eff. 11/13/15.)

24.121.603 LICENSURE BY CREDENTIALING WITH AN OUT-OF-STATE LICENSE

(1) Applicants for licensure must submit a completed application provided by the department, electronically or by paper, including appropriate fees and required documentation.

(2) Applicants may qualify for licensure by one of the following licensure methods: examination or credentialing. To qualify for licensure by credentialing, an applicant must satisfy the requirements of (3) and (4).

(3) To qualify for licensure by credentialing the applicant must submit the following documentation:

(a) For a barber license:

(i) proof of age;

(ii) proof of current unencumbered barber license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;

(iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(v) either:

(A) proof of passage of a board-approved examination in barbering with appropriate passing scores; or

(B) proof of graduation from an approved school or course of barbering with at least 1,100 hours of training as provided in ARM 24.121.604.

(b) For a barber nonchemical license:

(i) proof of age;

(ii) proof of current unencumbered barber license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;

(iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(v) either:

(A) proof of passage of a board-approved examination in barbering or barbering nonchemical with appropriate passing scores; or

(B) proof of graduation from an approved school or course of barbering or barbering nonchemical with at least 900 hours of training as provided in ARM 24.121.604.

(c) For a cosmetology license:

(i) proof of age;

(ii) proof of current unencumbered cosmetology license in another state;

(iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;

(iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and

(v) proof of passage of a board-approved examination in cosmetology with appropriate passing scores.

- (d) For an electrology license:
 - (i) proof of age;
 - (ii) proof of current unencumbered electrology license in another state;
 - (iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;
 - (iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
 - (v) proof of passage of a board-approved examination in electrology with appropriate passing scores.
 - (e) For a manicurist license:
 - (i) proof of age;
 - (ii) proof of current unencumbered manicurist license in another state;
 - (iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;
 - (iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
 - (v) proof of passage of a board-approved examination in manicuring with appropriate passing scores.
 - (f) For an esthetician license:
 - (i) proof of age;
 - (ii) proof of current unencumbered esthetician license in another state;
 - (iii) license verification from each state or jurisdiction the applicant has been licensed in, whether the license is current or not;
 - (iv) proof of high school diploma or its equivalent as provided in ARM 24.121.610; and
 - (v) proof of passage of a board-approved examination in esthetics with appropriate passing scores.
- (4) An out-of-state applicant applying for a license by credentialing must also meet the following requirements:
- (a) To qualify for a barber license the applicant must possess a license type in good standing that includes scope of training and practice equal to ARM 24.121.604(2) and either have completed a course of training of at least 1,100 hours in a school or attest to 2,200 hours of work experience as a licensed barber.
 - (b) To qualify for a barber nonchemical license the applicant must possess a license type in good standing that includes scope of training and practice equal to ARM 24.121.604(3) and either have completed a course of training of at least 900 hours in a school or attest to 1,800 hours of work experience as a licensed barber nonchemical.

- (c) To qualify for a cosmetologist license the applicant must possess either:
- (i) a license type in good standing that includes scope of training and practice equal to the cosmetologist requirements in ARM 24.121.604(4) and either have completed a course of training of at least 1,500 hours in a school or attest to 3,000 hours of work experience as a licensed cosmetologist; or
 - (ii) a combination of licensure in good standing that includes scopes of training and practice equal to:
 - (A) ARM 24.121.604(4)(d) through (g) and have completed a course of training equal to or exceeding 900 hours in a school;
 - (B) ARM 24.121.604(7) and have completed a course of training equal to or exceeding 400 hours in a school; and
 - (C) ARM 24.121.604(6) and have completed a course of training equal to or exceeding 200 hours in a school.
- (d) To qualify for an electrology license the applicant must possess a license type in good standing that includes the scope of training and practice equal to ARM 24.121.604(5) and either have completed at least 600 hours of electrology training in a school or attest to at least 1,200 hours of work experience as a licensed electrologist.
- (e) To qualify for a manicurist license the applicant must possess a license type in good standing that includes the scope of training and practice equal to ARM 24.121.604(6) and either have completed at least 400 hours of manicurist training in a school or attest to at least 800 hours of work experience as a licensed manicurist.
- (f) To qualify for an esthetician license the applicant must possess a license type in good standing that includes the scope of training and practice equal to ARM 24.121.604(7) and either have completed at least 650 hours of esthetician training in a school or attest to at least 1,300 hours of work experience as a licensed esthetician.
- (g) For any other combinations or types of licensure such as hairstyling, braiding, or make-up artists, applying for licensure will be individually reviewed by the board to assess the respective licensing requirements, course curricula, and transcripts.
- (5) Applicants by examination who have never been licensed and who completed their professional education out of state must meet the same requirements as an applicant from Montana.
- (6) Individuals who have been previously licensed in Montana under this chapter and whose licenses have terminated must reapply.
- (7) Applications will automatically time out after one year following the application open date. Applicants with applications that have timed out must reapply and pay all appropriate fees. (History: 37-1-131, 37-31-203, MCA; IMP, 37-1-304, 37-31-303, 37-31-304, 37-31-305, 37-31-308, MCA; NEW, 2004 MAR p. 2813, Eff. 11/19/04; AMD, 2006 MAR p. 1383, Eff. 6/2/06; AMD, 2006 MAR p. 1583, Eff. 7/1/06; AMD, 2010 MAR p. 1402, Eff. 6/11/10; AMD, 2012 MAR p. 616, Eff. 3/23/12; AMD, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2015 MAR p. 2034, Eff. 11/13/15; AMD, 2017 MAR p. 221, Eff. 2/18/17; AMD, 2018 MAR p. 1605, Eff. 8/11/18.)

24.121.604 LICENSURE EQUIVALENCY FOR PROFESSIONAL EDUCATION (1) The board recognizes the fragmentation of license types among states making it difficult to determine license type and scope of practice from state to state. The following is a breakdown of scopes of practice and is to be used to assist out-of-state applicants and the board in determining appropriate licensure, if any, regardless of the name or title of the out-of-state license that is equivalent to Montana licensure.

(2) The scope of training required for the practice of barbering is as follows:

- (a) haircutting with proper uses of tools (e.g., shears, razor, clippers, and thinning shears);
- (b) shampooing and scalp treatments;
- (c) hairstyling, including weaves, braiding, and extensions;
- (d) wet setting, blow drying, curling, and flat ironing; and the arranging of dry hair;
- (e) hair coloring, hair lightening, waving, and relaxing;
- (f) facial shaving with straight razor; and
- (g) skin care.

(3) The scope of training required for the practice of barbering nonchemical is as follows:

- (a) haircutting with proper uses of tools (e.g., shears, razor, clippers, and thinning shears);
- (b) shampooing and scalp treatments;
- (c) hairstyling, including weaves, braiding, and extensions;
- (d) wet setting, blow drying, curling, and flat ironing; and the arranging of dry hair;
- (e) facial shaving with straight razor; and
- (f) skin care.

(4) The scope of training required for the practice of cosmetology is as follows:

- (a) manicuring and pedicuring, including massage and polishing, nail art, and use of an electric nail file;
- (b) application and removal of artificial nails, gels, tips, and wraps;
- (c) skin care, skin exfoliation, facials, makeup application, epilation, electricity and light therapies, and application of artificial lashes;
- (d) hair coloring, hair lightening, waving, and relaxing;
- (e) shampoo and scalp treatments;
- (f) hairstyling, including weaves, braiding, and extensions;
- (g) wet setting, blow drying, curling and flat ironing, and the arranging of dry hair; and
- (h) haircutting with proper uses of tools (e.g., shears, razor, clippers, and thinning shears).

- (5) The scope of training required for the practice of electrology is as follows:
 - (a) electrolysis;
 - (b) thermolysis;
 - (c) the blend;
 - (d) electricity, chemistry, and light therapy; and
 - (e) epilation.
- (6) The scope of training required for the practice of manicuring is as follows:
 - (a) manicuring;
 - (b) pedicuring; and
 - (c) applying and removing artificial nails, gels, tips, and wraps and use of an electric nail file.
- (7) The scope of training required for the practice of esthetics is as follows:
 - (a) skin care;
 - (b) skin exfoliation, facials, and makeup application;
 - (c) epilation;
 - (d) electricity and light therapies; and
 - (e) application of artificial lashes. (History: 37-1-131, 37-31-203, 37-31-304, MCA; IMP, 37-1-131, 37-31-203, 37-31-304, MCA; NEW, 2015 MAR p. 1198, Eff. 8/14/15; AMD, 2017 MAR p. 221, Eff. 2/18/17.)

24.121.605 APPLICATION FOR POSTSECONDARY SCHOOL LICENSURE

- (1) The board may give preliminary approval to applicants for school licensure before inspections are scheduled and conducted. If preliminary approval is denied, the applicant shall correct any deficiencies and resubmit the application. Failure to resubmit within 90 days shall be treated as a voluntary withdrawal of the application and the fees shall be forfeited.
- (2) Applicants shall designate the type of school and which courses are to be offered as follows:
 - (a) barbering school;
 - (b) barbering nonchemical school;
 - (c) school of cosmetology, consisting of a cosmetology course and one or more of the following:
 - (i) barbering course;
 - (ii) barbering nonchemical course;
 - (iii) esthetics course;
 - (iv) manicuring course; or
 - (v) supplemental barbering course.
 - (d) school of electrology;
 - (e) school of esthetics;
 - (f) school of manicuring; or
 - (g) teacher-training course.

