

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 definitions,)	
24.121.603 out-of-state applicants,)	
24.121.801 inspections, 24.121.803)	
school requirements, 24.121.805)	
school standards, 24.121.807)	
curricula, 24.121.1509 implements)	
and equipment, 24.121.1511)	
sanitizing equipment, 24.121.1517)	
salon preparation, and 24.121.2301)	
unprofessional conduct)	

TO: All Concerned Persons

1. On February 11, 2010, the Board of Barbers and Cosmetologists (board) published MAR notice no. 24-121-6 regarding the public hearing on the proposed amendment of the above-stated rules, at page 271 of the 2010 Montana Administrative Register, issue no. 3.
2. On March 8, 2010, a public hearing was held on the proposed amendment of the above-stated rules in Helena. Several comments were received by the March 16, 2010, deadline.
3. The board has thoroughly considered the comments received. A summary of the comments received and the board's responses are as follows:

COMMENT 1: In reference to ARM 24.121.301(7), one commenter stated that textbooks teach clipper cuts using three different types of clippers. By restricting the definition of clipper cuts to only electro-magnetic clippers, the board is dictating the clipper type that must be included in student kits and taught by barbering courses. The commenter asserted that students become more proficient with the type of clippers they are most comfortable using on a regular basis, and that the definition of clipper cut should not be confined to one type of clipper.

RESPONSE 1: The board agrees that it is important to ensure that the rules reference current textbook practice. The board is therefore amending the definition to not limit instruction to a single type of clipper.

COMMENT 2: In reference to ARM 24.121.301(18)(a), a commenter stated that using the terms "toe" and "middle" in the definition of free-hand methods for clipper cuts is inappropriate and would cause confusion, as there is no mention of either term in the textbook section on clipper cutting.

RESPONSE 2: The board agrees with the commenter and is amending the definition to better reflect current barbering textbooks.

COMMENT 3: In reference to ARM 24.121.301(18)(b), one commenter stated that arching is a technique used by barbers, but noted that rule does not define or determine the correct method for performing this technique.

RESPONSE 3: Following discussion and a review of current barbering textbooks, the board is amending this subsection exactly as proposed.

COMMENT 4: In reference to ARM 24.121.803, a commenter asserted that schools should provide protective coverings to all students, not just barber and cosmetology students.

RESPONSE 4: The board agrees with the comment and is amending (9) to require a protective covering for electrology students to be consistent with barber and cosmetology students at (7) and (8). The board notes that it cannot add such a requirement for esthetics and manicuring students in this final notice and such a change will be considered in future rulemaking projects.

4. The board has amended ARM 24.121.603, 24.121.801, 24.121.805, 24.121.807, 24.121.1509, 24.121.1511, 24.121.1517, and 24.121.2301 exactly as proposed.

5. The board has amended ARM 24.121.301 and 24.121.803 with the following changes, stricken matter interlined, new matter underlined:

24.121.301 DEFINITIONS (1) through (6) remain as proposed.

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

(8) through (18) remain as proposed.

(a) toe (teeth), middle, heel;

(b) through (31) remain as proposed.

24.121.803 SCHOOL REQUIREMENTS (1) through (9)(d) remain as proposed.

(e) stainless steel and gold needles of various sizes per student; ~~and~~

(f) one current board law and rule book per student; ~~and~~

(g) one protective covering per student.

(10) through (12) remain as proposed.

BOARD OF BARBERS AND
COSMETOLOGISTS
WENDELL PETERSEN, CHAIRPERSON

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

/s/ KEITH KELLY
Keith Kelly, Commissioner
DEPARTMENT OF LABOR AND INDUSTRY

Certified to the Secretary of State June 1, 2010