

CHAPTER 270—S. F. No. 399

An act to amend Chapter 316, General Laws 1927, entitled "An Act to Regulate the Occupation of Barbering, to Create a Board of Barber Examiners for the licensing of persons to carry on such practice and fixing the fees to be charged therefor, to regulate the education of such practitioners, to provide rules regulating sanitation of barber shops, schools and colleges to prevent the spreading of contagious and infectious diseases, to promote the health and safety of the general public, and providing penalties for the violation thereof, and repealing Session Laws 1921, Chapter 424, Session Laws 1925, Chapter 252, and General Statutes 1923, Sections 5823, 5846, inclusive."

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Barbers must be registered.—That General Laws 1927, Chapter 316, be amended to read as follows:

"Section 1. After July 1, 1927, no person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued pursuant to the provisions of this act, by the Board of Barber Examiners hereinafter established.

After July 1, 1927, no person shall serve or attempt to serve as an apprentice under a registered barber until he has filed notice with the board of his intention of becoming an apprentice under a registered barber.

After July 1, 1927, it shall be unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber.

Sec. 2. What constitutes barbering.—Any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally constitutes the practice of barbering.

To shave, trim the beard, cut or bob the hair of any person of either sex for compensation or other reward, received by the person performing such service or any other person, shall be construed as practicing the occupation of barbering within the meaning of this act:

Giving facial and scalp massages or treatments with oils, creams, lotions or other preparations either by hand or mechanical appliances;
Singeing, shampooing the hair or applying hair tonics;

Applying cosmetic preparations, antiseptics, powders, oils, clays or lotions to scalp, face or neck.

Sec. 3. Apprentices may be employed.—No registered apprentice may independently practice barbering, but he may as an apprentice do any or all of the acts constituting the practice of barbering, under the immediate personal supervision of a registered barber, and only one such apprentice shall be employed in any barber shop.

Sec. 4. Exceptions.—The following persons are exempt from the provisions of this act while in the proper discharge of their professional duties:

1. Persons authorized by the law of this state to practice medicine, surgery, osteopathy, chiropractic and massage;
2. Commissioned medical or surgical officers of the United States Army, Navy, or Marine Hospital Service;
3. Registered nurses;
4. Persons practicing beauty culture.

However, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard or cut the hair of any person for cosmetic purposes.

Sec. 5. Who may receive certificates.—A person is qualified to receive a certificate of registration to practice barbering;

1. Who is qualified under the provisions of Section 6 of this act;
2. Who is at least 18 years of age;
3. Who is of good moral character and temperate habits and free from any contagious or infectious disease;
4. Who has practised as a registered apprentice for a period of 18 months under the immediate personal supervision of a registered barber; and
5. Who has passed a satisfactory examination conducted by the board to determine his fitness to practice barbering.

An applicant for a certificate of registration to practice as a registered barber who fails to pass a satisfactory examination conducted by the board, must continue to practice as an apprentice for an additional six months before he is again entitled to take the examination for a registered barber.

Sec. 6. Who may receive certificates of registered apprentice.—A person is qualified to receive a certificate of registration as a registered apprentice:

1. Who has completed at least six grades of a grammar school education or who has had the equivalent thereto; and

2. Who is of good moral character and temperate habits and free from any contagious or infectious disease;

3. Who has graduated from a school of barbering approved by the board or who has studied the practice and occupation of barbering *for one year* under a qualified registered barber who is actively engaged in such practice; and

4. Who has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice; and

5. An applicant for a certificate of registration to practice as an apprentice who fails to pass a satisfactory examination is required to complete a further course of study of not less than five hundred hours, to be completed in three months, of not more than eight hours in any one working day, in a school of barbering approved by the board, *or in the event he has taken his training under a qualified registered barber, as provided in Section 3 hereof, he shall be required to take a further course of study for three months under a qualified registered barber.*

Sec. 7. Qualifications of barber school students.—No school of barbering shall be approved by the board unless it requires as a pre-requisite to admission thereto, graduation from the sixth grade of a grammar school or its equivalent as determined by an examination conducted by the board, and unless it requires as pre-requisite to graduation a course of instruction of not less than 1,000 hours to be completed within six months of not more than eight hours in any one working day; such course of instruction to include the following subjects:—Scientific fundamentals for barbering, hygiene, practical study of the hair, skin, muscles and nerves, structure of the head, face and neck, elementary chemistry relating to sterilization and antiseptics, diseases of the skin, hair, glands, massaging and manipulating the muscles of the face and neck, hair cutting, shaving and trimming the beard.

Provided, further, that it shall be permissible for barber schools and barber colleges teaching the occupation of barbering to make a reasonable charge for materials used and services rendered by students for work done in such schools or colleges by students and there shall be one instructor to every fifteen students or minor fraction in

excess thereof. Barber colleges and schools shall open at 8 A. M. and close at 6 P. M., except on days preceding holidays when the hours shall be 8 A. M. and 6:30 P. M.

All barber schools or colleges shall each respectively be conducted and operated in one building, or in connecting buildings, and no barber school or college shall have any department or branch in a building completely separated or removed from the remainder of such barber school or college.

Any person may own and operate a barber college who has had ten years' continuous experience as a barber, providing such person shall first secure from the board a permit to do so, and shall keep the same prominently displayed, and shall before commencing business file with the secretary of state a bond to the state, approved by the attorney general, in the sum of \$1,000, conditioned upon the faithful compliance of said barber school with all the provisions herein, and to pay all judgments that may be obtained against said school or the owners thereof on account of fraud, misrepresentation or deceit practiced by them or their agents; provided, further, that all barber schools or colleges shall keep prominently displayed a substantial sign as barber school or college. Provided, further, that all barber schools upon receiving students shall immediately apply to said board for student permits upon blanks for said purpose furnished by the board.

(a) Every applicant for a student permit shall accompany his application with a fee of one dollar.

Sec. 8. Application—Fee.—Each applicant for an examination shall:

1. Make application to the board on blank forms prepared and furnished by the board, such application to contain proof under the applicant's oath of the particular qualifications of the applicant;

2. Furnish to the board two 5"x3" signed photographs of the applicant, one to accompany the application and one to be returned to the applicant, to be presented to the board when the applicant appears for examination;

3. Pay to the board the required fee.

Sec. 9. Examinations.—The board shall conduct examinations of applicants for certificates of registration to practice as registered barbers not less than four times each year, at such time and place as the board may determine, and of applicants for certificates of registration to practice as registered apprentices every 30 days.

The examination of applicants for certificates of registration as registered barbers and registered apprentices shall include both a

practical demonstration and a written and oral test, and shall embrace the subjects usually taught in schools of barbering approved by the board.

Sec. 10. Certificates of registration.—Whenever the provisions of this act have been complied with, the board shall issue a certificate of registration as a registered barber or as a registered apprentice.

Sec. 11. Permits to practice.—A person who is at least 18 years of age and of good moral character and temperate habits, and either

1. Has a license or certificate of registration as a practicing barber from another state or country, which has substantially the same requirements for licensing or registering barbers as required by this act, or

2. Who can prove by sworn affidavits that he has practiced as a barber in another state or country for at least five years immediately prior to making application in this state, shall upon payment of the required fee be issued a permit to practice as a journeyman barber only until he is called by the board for examination to determine his fitness to receive a certificate of registration to practice barbering. Should he fail to pass the required examination, he will be allowed to practice as a journeyman barber until he is called by the board for the next term of examinations. Should he fail at the third examination, he must cease to practice barbering in this state.

Sec. 12. Same.

1. A person who is of good moral character and temperate habits, and

2. Has a certificate of registration as an apprentice in a state or country which has substantially the same requirements for registration as an apprentice as is provided by this act shall upon payment of the required fee be issued a permit to work as an apprentice until called by the board for examinations to determine his fitness to receive a certificate of registration as an apprentice. Being able to pass the required examination he will be issued a certificate of registration as a registered apprentice.

Sec. 13. Barbers license under present law to continue practice without examination.—Every barber in this state holding a certificate of registration as such, and every apprentice in this state holding a permit or certificate to practice as such, issued pursuant

to the provisions of any statute repealed by this act, at the time of the taking effect of this act shall have the right to continue to practice as a registered barber or apprentice, as the case may be, until December 31, 1927, without the payment of any fees or any other act and shall thereafter have the right to be registered and practice as such barber or apprentice upon payment of the registration fee or fees required by this act.

Sec. 14. Certificates to be displayed.—Every holder of a certificate of registration shall display it in a conspicuous place adjacent to or near his work chair.

Sec. 15. Certificates must be renewed annually.—All registered barbers and registered apprentices who continue in active practice or service shall on or before December 31, 1927, and thereafter annually, on or before December 31st of each year, renew their certificates of registration for the following year and pay the required fee. Every certificate of registration which has not been renewed during the month of December in any year shall expire on the 31st day of December in that year. All registered barbers who *have failed to renew their licenses for a period of not to exceed five years* may renew their certificates of registration upon payment of the required restoration fee.

Sec. 16. Causes for revocation.—The board may either refuse to issue or renew, or may suspend or revoke any certificate of registration for any one or combination of the following causes:

- (a) Gross malpractice or gross incompetency.
- (b) Continued practice by a person having an infectious or contagious disease.
- (c) Advertising by means of knowingly false or deceptive statements.
- (d) Habitual drunkenness or habitual addiction to the use of morphine, cocaine or other habit-forming drugs.
- (e) Immoral or unprofessional conduct.
- (f) The commission of any of the offenses described in subdivision C, D, E, F, G, or H of Section 19 hereof.
- (g) The failure to practice for the period of five years prior to the date of application for issuance of renewal of license, or prior to such suspension or revocation of license.

(h) Violation of so-called Sunday closing laws, being Sections 10234 to 10236, both inclusive, of General Statutes of Minnesota, 1923.

Sec. 17. Board must give notice in writing.—The board may neither refuse to issue or refuse to renew, nor suspend, or revoke any certificate of registration, however, for any of these causes unless the person accused has been given at least five days notice in writing of the charge against him and a public hearing by the board.

Upon the hearing of any such proceeding, the board may administer oaths and may procure by its subpoena, the attendance of witnesses and the production of relevant books and papers.

Sec. 18. Fees.—The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice barbering shall be \$10.

The fee to be paid by an applicant for an examination to determine his fitness to receive a certificate of registration to practice as an apprentice is \$2.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$2.00, and for the restoration of an expired certificate, \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$1.50, and for the restoration of an expired certificate, \$3.00.

The fees for examinations and certificates as required in this act shall be paid in advance to the secretary of the board of examiners and shall be deposited by him in the state treasury to be disbursed by the secretary on the order of the chairman in payment of expenses lawfully incurred by the board.

Sec. 19. Violations.—Each of the following constitutes a misdemeanor.

(a) The violation of any of the provisions of Section 1 of this act.

(b) Permitting any person in one's employ, supervision or control to practice as an apprentice unless that person has a certificate of registration as a registered apprentice.

(c) Obtaining or attempting to obtain a certificate of registration for money other than the required fee or any other thing of value, or by fraudulent misrepresentation.

(d) Practicing or attempting to practice by fraudulent misrepresentations.

(e) The wilful failure to display a certificate of registration as required by Section 14, and

(f) The use of any room or place for barbering which is also used for residential or business purposes (except the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars, tobacco, candies in original package and such commodities as are used and sold in barber shops, *and except that shoe-shining and an agency for the reception and delivery of laundry, or either, may be conducted in a barber shop without the same being construed as a violation of this section*, unless a substantial partition of ceiling height separates the portion used for residential or business purposes, except that a barber shop and beauty parlor may be operated in conjunction, without the same being separated by a partition of ceiling height.

(g) The failure or refusal by any barber or other person in charge of any barber shop or any person in barber schools or colleges doing barbering service work, to use separate and clean towels for each customer or patron, or to discard and launder such towel after once being used.

(h) The failure or refusal by any barber or other person in charge of any barber shop or barber school or barber college to supply clean hot and cold water in such quantities as may be necessary to conduct such shop, or the barbering service of such school or college in a sanitary manner, or the failure, or refusal of any such person to have water and sewer connections from such shop, or barber school or college, with municipal water and sewer systems where the latter are available for use, or the failure or refusal of any such person to maintain a receptacle for hot water of a capacity of less than five gallons.

Sec. 20. To have receptacles for towels.—*In each barber shop there shall be provided a receptacle or receptacles for soiled towels. Each barber shall, immediately after the completion of the service to the customer, place the towel or towels used on said customer in said receptacle and no towel shall be withdrawn from said receptacle and used on any customer until the towel has been laundered. A violation of any provision of this section shall be a misdemeanor.*

Sec. 21. Perjury.—The wilful making of any false statement as to a material matter in any oath or affidavit which is required by the provisions of this act is perjury and punishable as such.

Sec. 22. Board of Barbers Examiners created—Terms.—A board, to be known as the Board of Barber Examiners, is established, to consist of three members appointed by the governor. Each member shall be a practical barber who has followed the occupation of a barber in this state for at least five years immediately prior to his appointment. Each member shall furthermore be a graduate from the eighth grade of a grammar school or have an equivalent education, and must have knowledge of the matters to be taught in approved schools of barbering as set forth in Section 7 hereof, and shall be qualified and competent to pass upon all matters likely to come before said board. One of said members shall be a member or recommended by a union of journeymen barbers which shall have existed at least two years, and one of said members shall be a member of or recommended by the Master Barbers Association of Minnesota.

The members of the first board appointed shall serve for three years, two years and one year, respectively, as appointed, and members appointed thereafter shall serve for three years. The governor may remove a member for cause.

Members appointed to fill vacancies caused by death, resignation or removal shall serve during the unexpired term of their predecessors. Provided, that the present members of the board of barber examiners shall remain in office until the completion of their respective terms.

Sec. 23. Officers.—Compensation.—The board shall elect a chairman and secretary. It shall adopt and use a common seal for the authentication of its orders and records.

The secretary shall keep a record of all proceedings of the board and shall turn over to the treasurer of the state, all moneys collected, at least once a month.

Each member of said board shall give a bond in the sum of \$5,000 with sureties to be approved by the secretary of state, conditioned for the faithful performance of his duties, and shall take the oath provided by law for public officers.

A majority of the board, in meeting duly assembled, may perform and exercise all the duties and powers devolving upon the board.

The secretary of the board shall receive as compensation \$3,000 per annum, and the other members of the board shall receive a compensation of \$10 per day for each of actual service in the discharge of their duties as such, and in addition thereto, all members of the board, including the secretary, shall be reimbursed and receive their

necessary traveling expenses incurred in the discharge of their duties, both salaries and expenses to be paid only and from out of the fund created by fees collected in the administration of this act. Each member of the board shall file monthly with the secretary of said board, a complete report showing his activities during the preceding month, and stating in detail the places, shops, schools, or colleges visited or inspected by such board member. The board shall report annually to the governor, a full statement of the receipts and disbursements of said board, and also a full statement of its doings and proceedings during the year, with such recommendations as it may deem expedient.

The board shall have authority to employ such inspectors, clerks, deputies and other assistants as it may deem necessary to carry out the provisions of this act.

Any funds in the state treasury to the credit of the present board of barber examiners shall be transferred to and made available for use by the board established under the provisions of this act.

Sec. 24. Board to make rules and regulations.—The board shall have authority to make reasonable rules and regulations for the administration of the provisions of this act and prescribe sanitary requirements for barber shops and barber schools, subject to the approval of the state board of health. Any member of the board or its agents or assistants shall have authority to enter upon and to inspect any barber shop or barber school at any time during business hours. A copy of the rules and regulations adopted by the board shall be furnished by the board to the owner or manager of each barber shop and barber school, and such copy shall be posted in a conspicuous place in such barber shop or barber school.

The board shall keep a record of its proceedings relating to the issuance, refusal, renewal, suspension and revocation of certificates of registration. This record shall also contain the name, place of business and residence of each registered barber and registered apprentice and the date and number of his certificate of registration. This record shall be open to public inspection at all reasonable times.

Sec. 25. Not to serve certain persons.—No person practicing the occupation of a barber in any barber shop, barber school or college in this state shall knowingly serve a person afflicted in a dangerous or infectious state of the disease with erysipelas, eczema, impetigo, sycosis, tuberculosis, or any other contagious or infectious disease. Any person so afflicted is hereby prohibited from being served in any barber shop, barber school or college in this state. Any violation of this section will be considered a misdemeanor as provided for in this act.

Sec. 26. Provisions severable.—If any portion of this act is declared unconstitutional by a court of competent jurisdiction, it shall not affect the validity of the remainder of the act which can be given effect without the invalid portion.

Sec. 27. Laws repealed.—Session Laws 1921, Chapter 424, Session Laws 1925, Chapter 252, and Sections 5823 to 5846, both inclusive, of General Statutes of Minnesota, 1923, and all other acts or parts of acts inconsistent with the provisions of this act are hereby repealed.”

Sec. 28. This act shall become effective from and after its passage.

Approved April 20, 1929.

CHAPTER 271—S. F. No. 402

An act to provide for the appointment in counties now or hereafter having a population of not less than four hundred thousand inhabitants, of a referee in probate, prescribing his qualifications, the manner of his appointment and removal, defining his powers and duties, providing for the reference of certain matters to him as such, fixing his term, fixing his compensation and providing for the payment thereof, and providing for offices for such referee.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Appointment, Qualifications.—Upon the taking effect of this act the judge of the probate court of any county, in this state, now or hereafter having a population of not less than four hundred thousand inhabitants, is hereby authorized to appoint one referee in probate who shall be a resident of said county and an attorney at law duly admitted to practice before the courts of this state.

Sec. 2. Term, revocation of appointment, vacancies.—Such appointment shall be by the order of said court for a term to expire at the date of the expiration of the term of office for which the judge of said court was last elected, but such appointment may be revoked at any time by the judge of said court and unless so revoked shall stand for the full term thereof. Any vacancy in said office shall be filled in the same manner as the original appointment.