

Sec. 7. This act shall take effect and be in force from and after its passage.

Approved April 21, 1921.

CHAPTER 424—H. F. No. 232.

An act to regulate the occupation of barbering to create a board of 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 the 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.

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

Section 1. **Barbers must be registered.**—It shall be unlawful for any person to follow the occupation of a barber in this State unless he or she shall have first obtained a certificate of registration as provided in this act; provided, however, that nothing in this act contained shall apply to or affect any person who is now actually engaged in such occupation except as hereinafter provided.

Sec. 2. **Board of examiners—Appointment.**—A Board of Examiners, to consist of three persons, is hereby created to carry out the purposes and enforce the provisions of this act. Said Board shall be appointed by the Governor, the appointees to be chosen from practical barbers, one from among persons recommended by a union of journeyman barbers, which shall have existed at least two years, one who has been for at least three years an employing barber in the State, and one who has been for at least five years a journeyman barber therein. Each member of said Board shall serve for a term of three years and until his successor is appointed and qualified, except in the case of the first board, who shall serve one, two and three years respectively.

Sec. 3. **May appoint deputies.**—Said Board shall have power to appoint deputies to assist in carrying out the provisions of this act.

Sec. 4. **Officers—Quorum—Seal.**—Said Board shall elect a president, secretary and treasurer; shall have its headquarters at the State Capitol; shall have a common seal; shall have the power to administer oaths. A majority of said Board may, in meeting duly assembled, perform the duties and exercise the powers devolving upon said Board under the provisions of this act.

Sec. 5. **Bond.**—Each member of said Board shall give a bond in the sum of Five Thousand Dollars (\$5,000.00), 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. Vacancies in said Board shall be filled by the Governor for the unexpired portion of the term.

Sec. 6. Compensation—Mileage—Salary of Secretary.—Each member of said Board shall receive a compensation of not to exceed Nine Dollars (\$9.00) per day for actual service and actual mileage for each mile traveled in attending meetings of the Board, to be paid out of its treasury, except the secretary thereof, who shall receive a compensation of not to exceed Twenty Five Hundred Dollars (\$2500.00) per annum.

Sec. 7. Board to report annually.—Said Board shall report annually to the Governor of this State a full statement of the receipts and disbursements of said Board by giving an itemized account and a copy furnished to the Legislature and a full statement of its doings and proceedings and such recommendations as to it may seem proper looking to the better carrying out of the interests and purposes of this act.

Sec. 8. Examinations—Notice.—Said Board shall hold public examinations at least four times in each year at such times and places as it may deem advisable, notice of such meetings to be given by publication thereof at least ten (10) days prior to such meetings in at least two (2) newspapers published in this State in the locality of each proposed meeting.

Sec. 9. All barbers to register.—Every person now engaged in the occupation of a barber in this State holding a certificate of registration shall, within ninety days after said Board is appointed, file with the secretary of said Board an affidavit setting forth his or her name, age, residence and the length of time during which, and the place where he or she has practiced said occupation, and shall pay to the secretary of said Board One Dollar (\$1.00) and a certificate of registration entitling him or her to practice said occupation thereupon shall be issued to him or her.

Sec. 10. Unlicensed barbers to make application—Fee—Examination.—Any person not holding a license under the provisions of the preceding section and desiring to obtain a license under this act shall make application in such form as the Board shall prescribe and shall be verified by the applicant as to the truth of the statements or answers therein made to said Board therefor, and shall pay to the secretary of said Board an examination fee of Five Dollars (\$5.00) and shall present him or herself at the next regular meeting of said Board for examination of applicants, whereupon said Board shall proceed to examine such person, and being satisfied that he or she is above the age of nineteen (19) years, of good moral character (free from contagious and infectious disease), and has either (a) studied the occupation for a period of two (2) years as apprentice under a qualified and

practicing barber, or (b) studied the occupation in a properly appointed and conducted barber school under the direction of a competent barber for a period of at least two (2) years, or (c) practiced the occupation in another state for a period of at least three (3) years, and is possessed of requisite skill in said occupation to properly perform all the duties thereof, including his or her knowledge and ability in the antiseptic preparation of the tools, shaving, hair cutting and all the duties and services incident thereto, and is possessed of sufficient knowledge concerning the common diseases of the face and skin to avoid the aggravation and spreading thereof in the practice of said occupation, his or her name shall be entered by said Board in the register hereinafter provided for and a certificate of registration shall be issued to him or her, authorizing him or her to practice such occupation of this State.

Sec. 11. Applicants may practice.—All persons making application for examination under the provisions of this act shall be allowed to practice the occupation of a barber until the next meeting of said Board, and said Board shall issue a permit authorizing him or her to so practice said occupation until the next meeting of said Board. Such permit shall be displayed in a conspicuous place in front of his or her working chair.

Sec. 12. Holders of foreign certificates may be licensed without examination—Fee.—Any person who holds a certificate of registration granted by any other State or Provincial Board of Barber Examiners by examination and shows the proper credentials showing that he or she is a fully qualified barber under the laws of this State, may be granted a certificate by said Board without practical examination upon the payment of the registration fee of Five Dollars (\$5.00)

Sec. 13. Certificates must be renewed.—All persons not having made application for the renewal of his or her certificate on or before the first day of January in each year shall pay to the secretary of said Board a fee of Five Dollars (\$5.00) for the same regardless of whether he or she has held licenses under the provisions of any previous section of this act.

Sec. 14. Not to apply to apprentices or students.—Nothing in this act shall prohibit any person from serving as an apprentice in said occupation under a registered barber of this State, or from serving as a student in any barber school for the training of students in said occupation under the training of a duly registered barber authorized to practice such occupation in this State; provided, that such apprentice or student shall apply to said Board to have his or her name registered with said Board in a book which shall be kept by the Board for the registering of apprentices or students and secure a permit to practice as an apprentice or student under a duly registered barber, such permit

to be displayed in front of his or her working chair. After having practiced the occupation for three years under a registered barber, such apprentice or student shall be eligible to become a registered barber, and shall present him or herself at the next meeting of the Board held nearest to him or her for the examination of applicants and pay the fee as provided in Section 9.

Sec. 15. Board to furnish certificate of registration.—Said Board shall furnish to each person to whom a certificate of registration is issued a card bearing the seal and signature of said Board, certifying that the holder thereof is entitled to practice the occupation of a barber in this state, and it shall be the duty of the holder of such card to post the same in a conspicuous place in front of his or her working chair, where it may be readily seen by all persons whom he or she may serve.

Sec. 16. Renewal of card—Fee.—Said card shall be renewed on or before the first day of January in each year, and the holder of said certificate of registration shall pay to the secretary of said Board the sum of One Dollar (\$1.00) for said renewal card.

Sec. 17. Certificate revoked.—Upon the failure of any holder of a certificate of registration to apply for a renewal of his or her card on or before the first day of January in each year, his or her certificate shall be revoked by said Board.

Sec. 18. Board may revoke license when.—Said Board shall have the power to revoke any certificate of registration granted by it under this act for (a) conviction of crime; (b) habitual drunkenness; (c) having or imparting any contagious or infectious disease; (d) for doing work in an unsanitary or filthy manner or gross incompetency. Provided, however, that before any certificate shall be revoked the holder thereof shall have notice in writing of the charge or charges against him or her and shall at a day specified in said notice, at least five (5) days after the service thereof, be given a public hearing and full opportunity to produce testimony in his or her behalf and to confront the witnesses against him or her. Any person whose certificate has been so revoked may, after the expiration of ninety days, on application, have the same reissued to him or her upon satisfactory showing that disqualification has ceased.

Sec. 19. Board to adopt rules and regulations.—Said Board shall have power to adopt reasonable rules and regulations prescribing the sanitary requirements of a barber shop, barber school or college, subject to the approval of the State Board of Health, and cause the rules and regulations so approved to be printed in a suitable form and to transmit a copy thereof to the proprietor of or person operating each barber shop, which shall at all times be kept conspicuously displayed in each barber shop, barber school or college in this state. Any member of said Board, or duly authorized deputy, shall have power to enter and make

reasonable examination of any barber shop, barber school or college in this state during the business hours for the purpose of ascertaining the sanitary conditions thereof. Any barber shop, barber school or college in which tools, appliances and furnishings in use therein are kept in an unclean and unsanitary condition, so as to endanger health, is hereby declared to be a public nuisance and the proprietor thereof or person operating such barber shop, barber school or college shall be subject to prosecution and punishment therefor.

Sec. 20. To keep register.—Said Board shall keep a register in which shall be entered the names of all persons to whom certificates are issued and to whom permits for serving apprenticeship or as students, under this act, and said register shall at all times be open to public inspection.

Sec. 21. Barbers not to serve persons afflicted with certain diseases.—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 stage of the disease with *crispelas*, *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. 22. Barber schools—Bond—Who may run.—Nothing in this act shall prohibit any person from serving as an apprentice in said occupation under license issued by said Board to a barber registered to practice in the same, under this act, nor from serving as a student in any barber school or college for the teaching of said occupation under the instructions of a registered barber; provided, that in no barber shop shall there be more than one apprentice to two barbers, authorized under this act to practice said occupation; but all barber shops having but one chair shall be entitled to one apprentice; that all barber schools or colleges shall have not less than one teacher or instructor for every ten students and minor fraction in excess thereof, and that all barber schools or colleges shall keep prominently displayed a sign, barber college or barber school; provided, that all barbers or barber schools or colleges who shall take an apprentice or student shall file immediately with said Board the name and age of such apprentices or students, and the said Board shall cause the same to be entered in a register kept for that purpose; provided, that any firm, corporation, or person having practiced the occupation of barber continuously for a period of not less than ten (10) years desiring to operate or conduct a barber school or college in this state shall first secure from said 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 One Thousand Dollars (\$1,000.00), conditioned upon the faithful compliance of said barber school or college with all the provisions herein, and to pay all judgments that may be obtained against said school or college or the owners thereof on account of fraud, misrepresentation or deceit practiced by any of them, or by their agents, servants or employees; provided that said board shall have the right to pass upon the qualifications, appointments, course of study and hours of study in said school or college, which hours of study shall be between the hours of eight (8) A. M. and five (5) P. M., except that on Saturdays and days preceding legal holidays the hours of study shall be between the hours of eight (8) A. M. and six (6) P. M.; provided further that there shall be no money collected by said school or college or any of its students or teachers in the practice of the trade therein taught, except a reasonable charge for the linens, tonics, soaps and incidental supplies furnished in and about the cutting of the hair and shaving of an individual, and the said board shall have the right to revoke the certificate permit or license of any such barber school or college, instructor or teacher therein for the violation of any of the provisions of this section.

Sec. 23. What constitutes barbering.—To shave or trim the beard or cut the hair of any person for hire, or reward, received by the person performing such service, or any other person, shall be construed as practicing the occupation of barber within the meaning of this act.

Sec. 24. Violations—Penalties.—Any person practicing the occupation of a barber, or barbers' apprentice, or students, in this state without having obtained a certificate of registration or permit, as provided by this act, or employing a barber or apprentice who has not such certificate or permit, or falsely pretending to be qualified to practice said occupation under this act or for failure to display his or her card or insignia or permit as provided by this act, or who shall violate any of the sanitary rules adopted by the Board, or any of the provisions of this act, is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than ten dollars (\$10.00), or more than one hundred dollars (\$100.00), or by imprisonment in the county jail not less than ten (10) days or more than ninety (90) days, or both. This act shall take effect and be in force upon its approval and publication.

Sec. 25. Inconsistent acts repealed.—Sections 5055, 5056, 5057, 5058, 5059, 5060, 5061 and 5062 of the General Statutes of 1913, and all other acts or parts of acts inconsistent with the provisions of this act, are hereby repealed. This act shall become effective from and after its passage.

Approved April 21, 1921.