

CHAPTER 155

BEAUTICIANS

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155.01 UNLAWFUL TO ENGAGE IN OCCUPATION OR CONDUCT SHOPS EXCEPT AS AUTHORIZED. It shall be unlawful for any person to engage in the occupation of hairdresser and beauty culturist, or to conduct a hairdressing and beauty culture shop or school, except as hereinafter provided.

[1927 c. 245 s. 1] (5846-27)

155.02 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases, for the purposes of this chapter, shall be given the meanings subjoined to them.

Subdivision 2. **Practicing hairdressing and beauty culture.** Any person who engages in general public practice, for compensation or other reward, in any one or any combination of the following practices: arranging, dressing, curling, waving, cleansing, singeing, bleaching, coloring, or similar work upon the hair of any living person by any means, or slight hair trimming of women, as a part of women's hairdressing; the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, aided with the hands or mechanical or electrical apparatus, or appliances used in massaging, cleansing, stimulating, manipulating, exercising, beautifying, the scalp, face, neck, arms, bust, or upper part of the body for the purpose of beautification, shall be defined as and construed to be practicing hairdressing and beauty culture. No provision of this chapter shall in any manner be construed to apply to manufacturers of cosmetics, or their representatives or employees.

Subdivision 3. **Operator.** An "operator" is any person who has secured a license to engage in and engages in the practices defined in subdivision 2, as named within this chapter.

Subdivision 4. **Manager-operator.** A "manager-operator" is any person of legal age who owns, operates, conducts, or manages a hairdressing and beauty culture shop or school; or who instructs in practical hairdressing and beauty culture work. It shall be lawful for any person to own, operate, conduct, or manage a hairdressing and beauty culture shop or school without being licensed as a manager-operator if such person does not instruct in or practice any of the practices, as defined in subdivision 2, but does employ one or more manager-operators in the shop or school to manage same or instruct therein.

Subdivision 5. **School of hairdressing and beauty culture.** A "school of hairdressing and beauty culture" is a place where any person, firm, or corporation operates and maintains a class to teach beauty culture, as defined herein.

[1927 c. 245 s. 2; 1933 c. 264 s. 1; 1941 c. 490 s. 1] (5846-28)

155.03 HAIRDRESSING AND BEAUTY CULTURE, WHERE PRACTICED; REGISTRATION; TEACHING. Hairdressing and beauty culture shall be practiced only in a room or rooms not used for sleeping or residential purposes, completely partitioned off from living quarters, and shall be equipped with hot and cold running water and with sewer connections. Where water and sewer connections are not available there must be maintained a proper receptacle for hot water of a capacity of not less than five gallons, and such cesspool or other method for the disposal of

sewage and waste matter as may be approved by the local health authorities or local municipal ordinances.

All beauty shops shall be registered with the board by the owners thereof, before commencing operations and annually, on or before June 30, upon blanks provided for such purposes by the board showing the names of the owners and the location of such shops, and no such shops shall be permitted to operate without such registration.

Hairdressing and beauty culture shall be taught in a room or rooms not used for sleeping or residential purposes and such rooms must be equipped with sufficient hot and cold running water and with sewer connections to insure sanitation for all students in attendance. Text-books and charts and proper equipment necessary to conduct a school efficiently must be maintained by the school.

[1927 c. 245 s. 2; 1933 c. 264 s. 1; 1941 c. 490 s. 1] (5846-28)

155.04 BOARD OF EXAMINERS. For the purposes of this chapter, there is hereby created and established a board, to be known by the name and style of the state board of hairdressing and beauty culture examiners, which shall consist of three members, not more than two of whom shall reside in cities of the first class and all of whom shall reside in the state, and have an official seal.

[1927 c. 245 s. 3; 1941 c. 490 s. 2] (5846-29)

155.05 MEMBERS OF BOARD OF EXAMINERS. The governor shall appoint the members of the state board of hairdressing and beauty culture examiners, each of whom shall have had five years of experience and practice in this state in the occupation and practices as named within this chapter, one to serve one year, one to serve two years, and one to serve three years, or until their successors are duly appointed and have qualified, and thereafter the term of each member shall be three years. The governor may remove any member of the board with or without cause. The board members shall be citizens of this state and not members of, nor affiliated with, any school duly approved and teaching the practices, as defined herein, while a member of the board, nor shall any two members of the board be graduates of the same school, or system of schools, teaching the practices, as defined herein. Each member of the board shall take the oath provided by law for public officers.

[1927 c. 245 s. 4; 1941 c. 490 s. 3] (5846-30)

155.06 ORGANIZATION OF BOARD; RULES; RECORDS. The board shall on the second Tuesday of each year assemble at the state capitol and then and there organize by electing a president and a vice-president to serve until their successors are elected and have qualified. The board shall then appoint an executive secretary and such assistants, inspectors, and clerical help as it may deem necessary to perform the work of the board. The appointment of the executive secretary shall be made in accordance with the rules and regulations to be adopted by the board and chosen upon the basis of his experience, training, and general qualifications for the work. His salary and necessary expenses incurred in the transaction of the business of the board and the salaries and necessary expenses of assistants, inspectors, and clerical help shall be fixed by the board. The total sum of money to be expended for the salary of the executive secretary, assistants, inspectors, and clerical help and other necessary expenses connected with the work shall not exceed the sum of \$15,000 per annum. The board shall maintain an office for the conduct of its business which shall be in charge of the executive secretary. The executive secretary and such other persons as are charged with and actually handle the funds of the board shall provide to the State of Minnesota a corporate surety bond in the amount of \$10,000.

The board shall meet for the purpose of examining applicants for license and of examining and granting applications for license at the state capitol not less than four times each year, these times to be designated by the board, and at such other meetings during each year, the time and place of which the board shall designate. A quorum for the transaction of business of the board shall consist of at least two-thirds of the members of the board. The board shall have power to formulate rules for the proper administration of its business.

The secretary shall keep a record of all the board's official proceedings and this record shall be prima facie evidence of all matters therein recorded. No meeting of the board shall continue for a period of more than ten days without the consent of the state department of administration. The executive secretary of the board shall be charged with the supervision of the records of receipts and disbursements

of the board. No board member shall make routine inspections of shops engaging in the practices herein, but such inspections shall be made by employees of the board.

[1927 c. 245 s. 5; 1941 c. 490 s. 4] (5846-31)

155.08 COMPENSATION, EXPENSES OF BOARD MEMBERS. Each member of the board shall receive the sum of \$10.00 for each day employed in the actual discharge of his official duties and any necessary expenses incurred incidental thereto. Compensation and expenses of and for the board shall be paid out of the funds of the board deposited in the state treasury and not otherwise.

[1927 c. 245 s. 7; 1941 c. 490 s. 6] (5846-33)

155.09 APPLICANTS FOR EXAMINATION; QUALIFICATIONS; LICENSE FEES. The board shall determine the qualifications of each applicant for examination on the following basis:

- (1) Such proof as the board, by rule, may require of good moral character;
- (2) Such proof as the board, by rule, may require that the applicant is free from contagious or infectious disease;
- (3) That the applicant is at least 16 years of age;
- (4) That the applicant shall provide the board with a certificate from a school of beauty culture, approved by the board, as herein referred to and described, showing that the applicant has satisfactorily completed all the courses of instruction provided by this approved school, which certificate shall be signed and verified by the individual owner or owners of the approved school, if owned by an individual or partnership, or the proper and lawful officer, if a corporation;

In any case, before an applicant shall be eligible to receive such certificate, the applicant shall have received in accordance with the curriculum established by the board no less than 1,250 hours of instruction in theory and practice in classes actually attended by him; and

- (5) Payment of an examination fee of \$5.00.

Upon the determination by the board of the sufficiency of the qualifications of the applicants for examination as an operator, the board shall conduct theoretical examinations and practical examinations in accordance with rules promulgated and prescribed by the board.

Such examination shall include both practical demonstrations and written or oral tests, and shall not be confined to any specific system or method of hairdressing and beauty culture, and such examination shall be consistent with the practical and theoretical requirements as provided by this chapter. If a student shall fail to pass such examination, she shall be required to take further training before being admitted to another examination, such further training time shall be specified by the board but shall not exceed 200 hours, upon compliance with all provisions herein contained referring to schools together with compliance with the rules and regulations lawfully prescribed hereunder.

A manager-operator may be licensed as such under this chapter upon the payment of a fee of \$10.00, provided that she has practiced as an operator under the supervision of a manager-operator in this state for at least one year and upon complying with all other requirements applicable to a manager-operator as provided for in this chapter.

Renewal license fees shall be as follows:

For operator.....	\$2.00
For manager-operator.....	\$3.00.

[1927 c. 245 s. 8; 1933 c. 264 s. 2; 1941 c. 490 s. 7] (5846-34)

155.10 TEMPORARY LICENSES TO OPERATORS. The board, through its secretary, shall grant to graduates of approved schools, upon the payment of \$1.00 as a fee, temporary licenses authorizing such graduates to practice as operators under the supervision of licensed manager-operators in the practice of hairdressing and beauty culture for a period of not to exceed 90 days or until the next examination for license is held by the board. No such temporary license shall be issued except upon the presentation by the applicant of a certificate of graduation from a duly approved school under the provisions of this chapter.

[1927 c. 245 s. 9; 1941 c. 490 s. 8] (5846-35)

155.11 SCHOOLS; APPROVAL; INSTRUCTION. Any person, firm, or corporation desiring to establish a hairdressing and beauty culture school shall apply to the board for a certificate of approval for such school, and to have such school rated by the board as an approved school in hairdressing and beauty culture and placed upon its list of such approved schools, upon complying with the following pro-

visions: each applicant, whether individual, firm, or corporation, shall, prior to the opening of such school, present to such board a verified application containing the following information:

(1) Full name of individual, firm, or corporation; including all the members, owners, partners, and directors of such firm or corporation and, if the corporation is a foreign corporation, or if the individual persons or partners applying for such certificate of approval are not residents of the state of Minnesota, then the application shall designate a resident agent for service;

(2) The past occupation of such individual or individuals, firm, or corporation and complete information concerning the occupations of the directors in the case of a corporation;

(3) A complete financial statement showing all the assets and liabilities of the applicant and, if the applicant is an individual or partnership, a complete financial statement showing all assets and liabilities of the individual or of the individual partners; and

(4) A complete plan of operation setting forth such information relating thereto as the board in its application form may lawfully require. Upon receipt of such application, the board shall, within 45 days set the application for public hearing.

At the time set for hearing of the application, the applicant shall show by competent evidence its qualifications. After the duly held hearing and upon proper showing at the hearing of qualifications of the applicant, the board may then issue a certificate of approval to the school.

The board shall take into consideration the financial qualifications of the applicant and in no case shall the board grant a certificate of approval to any applicant if the applicant fails to show sufficient financial worth and responsibility to properly conduct a school and fails to assure the board that the applicant's financial resources will be ample to maintain and operate the school and assure the graduation of students who are registered with and have paid their tuition to the school.

If the applicant, prior to the issuance to it of a certificate of approval, makes any false or fraudulent statements or in any way misrepresents or makes false statements in its application, the applicant shall be disqualified and no certificate of approval shall be granted to it by the board.

Should any applicant, after receiving a certificate of approval from the board, be found guilty of committing fraud, the board shall have the authority to revoke and cancel the certificate of approval.

The certificate of approval shall be transferable only to such persons, individuals, or corporations who shall make a showing to the board of financial responsibility, in the same manner as required of an original applicant.

An approved school shall maintain upon its staff one competent and qualified instructor for each 30 students, or fraction thereof, and such school shall give and require a course of training and instruction of not less than 1,250 hours of classroom work, divided into classified hours conforming with the curriculum issued by the board, these hours not to exceed eight hours per day, to include both practical instruction and study and recitation in sanitation, sterilization, and the use of antiseptic consistent with the practical and theoretical requirements as applicable to and as provided in this chapter, and shall comply with all rules and regulations relating to schools as in this chapter contained. Where the registrant in a school is enrolled for the entire beauty course, then the requirements set forth by this chapter relating to the hours of study in manicuring may be modified at the discretion of the board.

Any approved school shall display in the entrance reception room of its student section, a sign indicating that all work therein is done exclusively by students. Professional departments of any beauty school shall be run as an entirely separate and distinct business and apart from the school and the professional department shall have separate entrances thereto. The foregoing provision as to 1,250 hours shall not apply to students having duly enrolled in schools prior to the passage of this chapter.

No school, duly approved under this chapter, shall refuse to teach any student, otherwise qualified, on account of race, creed, or color.

All such schools shall be inspected by the board at least once each year.

[1927 c. 245 s. 10; 1933 c. 264 s. 3; 1941 c. 490 s. 9] (5846-36)

155.12 CHARGES FOR STUDENT WORK. Nothing contained in this chapter shall prevent any duly approved school teaching hairdressing and beauty culture

from making a charge for student work done in the school to cover the cost of materials used and expenses incurred in and for the operation of the school. All of such student work shall be advertised and held forth as being student work and not otherwise.

[1927 c. 245 s. 11] (5846-37)

155.13 SHOPS; HEALTH AND SANITARY RULES. In the conduct and operation of a hairdressing and beauty culture shop or school the following health and sanitary rules shall be complied with:

(1) All premises and contents thereof shall be maintained in a clean and sanitary condition;

(2) Hair brushes, combs, and any and all instruments used must be cleaned and sterilized after using on each customer or patron;

(3) Each and every operator, manager-operator, or student of and in any hairdressing and beauty culture shop or school shall use separate and clean towels for application upon each customer or patron and shall wash their hands with soap and hot water and clean their finger-nails before working upon each customer or patron; no towel or other linen shall be used upon more than one customer or patron until freshly laundered;

(4) No operator, manager-operator, or student shall knowingly work upon or permit any person to be served in any of the hairdressing and beauty culture practices in any shop or school who is afflicted in a dangerous or infectious stage of erysipelas, eczema, impetigo, or other visible skin diseases.

[1927 c. 245 s. 12] (5846-38)

155.14 PRACTITIONERS FROM OTHER STATES. The board may dispense with and waive the examination for license upon the application of any person who is able to furnish sufficient documentary evidence and proof of having lawfully practiced in another state, which other state extends the same privileges to persons of this state, for a period of at least two years prior to the time of such application for license in Minnesota, and where the requirements, both moral and educational, if such applicant is licensed in such other state, are substantially equal to the provisions of this chapter, upon the payment of the fee for license as provided in this chapter.

[1927 c. 245 s. 13; 1941 c. 490 s. 10] (5846-39)

155.15 LICENSE DISPLAYED; RENEWAL. Every holder of a license granted by the board, as provided in this chapter, shall display it in a conspicuous place in his place of business. All licenses shall expire December 31 of the year in which issued, unless renewed as herein provided. The holder of a license issued by the board shall annually, on or before December 31, renew his license and pay the renewal fee. If such license is not renewed on or before December 31, of the year in which it is issued, but renewed within six months from the date of expiration thereof, such licensee shall pay a penalty of \$5.00, in addition to the renewal fee of an operator's license and \$10.00, in addition to the renewal fee of a manager-operator's license. In the event that such renewal shall be applied for more than six months subsequent to the expiration date of the last license, then such applicant shall be required to take an examination in the same manner as if no license had ever been issued.

[1927 c. 245 s. 15; 1933 c. 264 s. 4; 1941 c. 490 s. 11] (5846-41)

155.16 LICENSES REFUSED, REVOKED, OR SUSPENDED; WHEN RE-ISSUED. The board shall have the following additional powers:

(1) It may refuse to grant or renew a license to a person guilty of fraud in passing examination, or at any time found guilty of a felony, immorality, or grossly unprofessional or dishonest conduct, or to a person found by the board after a public hearing, as herein provided for, to have engaged in advertising by means of false or deceptive statements, or for the failure to display his license in a conspicuous place in his place of business; and

(2) It may revoke or suspend licenses upon proof of violation of the rules and regulations herein set forth, for practicing while having any contagious or infectious disease, or for gross incompetency; or it may revoke or suspend the license of any manager-operator or operator who permits an unlicensed operator to work upon a customer or patron in any shop or shops.

Before any license shall be revoked, suspended, or refused, the holder thereof shall have notice in writing of the charges made and filed against him and shall, at a day specified in the notice, at least 20 days after the service of the notice, be

given a public hearing and full opportunity to produce testimony and evidence in his behalf and to confront the witnesses against him. The board shall have authority to administer oaths and take testimony. Any person whose license has been so revoked, suspended, or refused may on written application to the board have the same re-issued to him or the suspension lifted upon satisfactory showing that the disqualification has ceased.

[1927 c. 245 s. 16; 1941 c. 490 s. 12] (5846-42)

155.17 NOTICE OF BOARD MEETINGS. Notice of meetings of the board of hairdressing and beauty culture examiners at which applicants or licensed practitioners are to appear shall be published once each week for three consecutive weeks before the date of such meetings in a daily newspaper in each city of the first class.

[1927 c. 245 s. 17] (5846-43)

155.18 DISPOSAL OF FEES. All fees, as provided in this chapter, shall be paid in advance to the executive secretary of the board and by him deposited in the state treasury and credited to the board. These funds shall be disbursed by the board only on the order of the president of the board and in payment of expenses lawfully incurred and approved by the board and with the approval of the department of administration in these cases set forth heretofore where such approval is required. On the failure to pass an examination for license the fee paid shall not be returned to the applicant, but at any time within one year after such failure such applicant may present himself and take a second examination without the payment of any additional license fee.

All money available to the board shall be subject to Laws 1939, Chapter 431, Article II, Section 20.

[1927 c. 245 s. 18; 1941 c. 490 ss. 13, 15] (5846-44)

155.19 SERVICES EXCEPTED; EMERGENCY. Nothing in this chapter shall prohibit services in cases of emergency where compensation or other reward is not received, nor in domestic service, nor services by persons authorized and licensed under the laws of this state to practice medicine, surgery, dentistry, chiropody, osteopathy, chiropractic, massage, or barbering. This section shall not be construed to authorize any of the persons so exempted to wave the hair, or to color, tint, or bleach the hair, in any manner.

[1927 c. 245 s. 19] (5846-45)

155.20 OPERATORS MAY PRACTICE IN HOME OF CUSTOMER. Nothing contained in this chapter, notwithstanding any provision contained in section 155.03, shall be construed to prohibit a licensed operator under the provisions of this chapter, who has had experience and practice for a period of one year or more, from engaging in the practices defined in section 155.02 in the homes of customers or patrons, under such sanitary and health rules and regulations as may be prescribed and set down by the state board of health and the board provided for in this chapter.

[1927 c. 245 s. 20] (5846-46)

155.205 APPOINTMENT OF AGENT FOR SERVICE OF PROCESS. Any person, firm, partnership, or corporation, not a resident of Minnesota, who engages in Minnesota in the practices hereinbefore set forth shall file with the board the name and address of a duly authorized agent for service of legal process, which agent for service shall be a resident of the state of Minnesota.

[1941 c. 490 s. 14]

155.21 VIOLATIONS; PENALTIES. Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor.

[1927 c. 245 s. 21] (5846-47)