

CHAPTER 154

BARBERS

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154.01 BARBERS MUST BE REGISTERED. 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 chapter by the board of barber examiners hereinafter established.

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.

It is unlawful to operate a barber shop unless it is at all times under the direct supervision and management of a registered barber.

[1927 c. 316 s. 1; 1929 c. 270 s. 1] (5846-1)

154.02 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 directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of this chapter: 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; to give facial and scalp massage or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

[1927 c. 316 s. 2; 1929 c. 270 s. 2; 1935 c. 229 s. 1] (5846-2)

154.03 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.

[1927 c. 316 s. 3; 1929 c. 270 s. 3] (5846-3)

154.04 PERSONS EXEMPT FROM COMPLIANCE. The following persons are exempt from the provisions of this chapter 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.

[1927 c. 316 s. 4; 1929 c. 270 s. 4] (5846-4)

154.05 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 154.06;

- (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 practiced as a registered apprentice for a period of 15 months under the immediate personal supervision of a registered barber; and
- (5) Who has passed a satisfactory examination conducted by the board of barber examiners 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.

[1927 c. 316 s. 5; 1929 c. 270 s. 5; 1945 c. 160 s. 1] (5846-5)

154.06 WHO MAY RECEIVE CERTIFICATES AS REGISTERED APPRENTICE. A person is qualified to receive a certificate of registration as a registered apprentice:

- (1) Who has completed at least eight grades of an approved school;
- (2) Who is of good moral character and temperate habits and free from any contagious or infectious disease;
- (3) Who has been graduated from a school of barbering approved by the board of barber examiners; and
- (4) Who has passed a satisfactory examination conducted by the board to determine his fitness to practice as a registered apprentice.

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 500 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.

A certificate of registration of an apprentice shall be annulled three years after the person first makes his application as a student.

[1927 c. 316 s. 6; 1929 c. 270 s. 6; 1935 c. 229 s. 2; 1945 c. 160 s. 2] (5846-6)

154.065 BARBER SCHOOLS AND COLLEGES. Subdivision 1. **Certificate required for teaching in barber schools.** After July 1, 1945, no person shall engage in teaching or instructing in barber schools or colleges without a certificate of registration as a registered teacher or instructor issued pursuant to the provisions of this section, by the board of barber examiners.

Subd. 2. Qualifications. No certificate of registration shall be issued to any person under this section unless he have the following minimum qualifications:

- (a) He must be at least 25 years of age.
- (b) He must be a graduate from an approved high school, or its equivalent, as determined by examination by the state board of education.
- (c) He shall have qualified for a teacher's or instructor's vocational certificate.
- (d) He shall have at least five years' experience as a licensed barber in this state, or its equivalent.
- (e) He shall have passed the examination prescribed and conducted by the board of barber examiners on subjects provided by the laws governing licensing of barbers in Minnesota.

Subd. 3. Application; fee. Each applicant for a certificate of registration shall make application to the board on blanks prepared and furnished by said board, such application to contain proof under oath of the particular qualifications of such applicant. This application shall be accompanied by a fee of \$10 to defray the expenses of making investigation and for the examination of such applicant.

Subd. 4. Examinations. Examinations under this section shall be held not to exceed twice a year at times and places to be determined by the board. In case of an emergency, there being no licensed instructor available, a temporary certificate, valid only until the next examination is held, may be issued upon such terms and conditions as the board may prescribe.

Subd. 5. Rules. The board of barber examiners shall make appropriate rules and regulations to carry out the intents and purposes of this section.

Subd. 6. Annual registration fee. Any applicant who has complied with provisions of this section, shall pay an annual registration fee of \$10 and thereupon a registration certificate shall be issued to him. Every such registration certificate shall expire on the last day of the year in which it is issued. Every registration may be renewed, without taking any further examination, upon the payment of the annual fee hereinbefore set forth.

All funds collected under this section shall be paid into the general revenue fund.

Subd. 7. **When examination not required.** Any person now operating and instructing or teaching in a school of barbering duly licensed under the laws of Minnesota may be issued a license under this section, without taking such examination, upon payment of the fee herein prescribed.

Subd. 8. **Violations.** The violation of any of the provisions hereof shall constitute a misdemeanor.

[1945 c. 159]

154.07 QUALIFICATION OF STUDENTS IN BARBER SCHOOLS. No school of barbering shall be approved by the board of barber examiners unless it requires, as a prerequisite to admission thereto, eight grades of an approved school or its equivalent, as determined by an examination conducted by the state board of education, which shall issue a certificate that the student has passed the required examination, and unless it requires, as a prerequisite to graduation, a course of instruction of not less than 1,200 hours, to be completed within nine 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.

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 15 students or minor fraction in excess thereof. Barber colleges and schools shall open at eight a.m. and close at five p.m.

Each barber school or college shall 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 the barber school or college.

Any person may own and operate a barber college who has had ten years' continuous experience as a barber, provided such person shall first secure from the board an annual permit to do so, keep the same prominently displayed, and 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 the barber school with all the provisions herein, and to pay all judgments that may be obtained against the school, or the owners thereof, on account of fraud, misrepresentation, or deceit practiced by them or their agents; provided, that all barber schools or colleges shall keep prominently displayed a substantial sign as barber school or college. All barber schools upon receiving students shall immediately apply to the board for student permits upon blanks for that purpose furnished by the board.

Every applicant for a student permit shall accompany his application with a fee of \$3.00.

[1927 c. 316 s. 7; 1929 c. 270 s. 7; 1935 c. 229 s. 3; 1945 c. 160 s. 3] (5846-7)

154.08 APPLICATION; FEE. Each applicant for an examination shall:

(1) Make application to the board of barber examiners on blank forms prepared and furnished by it, 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.

[1927 c. 316 s. 8; 1929 c. 270 s. 8] (5846-8)

154.09 EXAMINATIONS, CONDUCT AND SCOPE. The board of barber examiners shall conduct examinations of applicants for certificates of registration to practice as registered barbers and registered apprentices not more than four times each year, at such time and place as the board may determine. An affidavit shall be filed with it by the proprietor of a barber college or barber school that the student has completed 1,200 hours in a duly approved barber school or barber college in the state.

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 embrace the subjects usually taught in schools of barbering approved by the board.

[1927 c. 316 s. 9; 1929 c. 270 s. 9; 1935 c. 229 s. 4; 1945 c. 160 s. 4] (5846-9)

154.10 CERTIFICATES OF REGISTRATION. When the provisions of this chapter have been complied with the board of barber examiners shall issue a certificate of registration as a registered barber or as a registered apprentice upon payment of the required fee.

[1927 c. 316 s. 10; 1929 c. 270 s. 10; 1947 c. 36 s. 1] (5846-10)

154.11 PERMITS TO PRACTICE. A person who is at least 18 years of age and of good moral character and temperate habits and either 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 chapter or 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 called by the board of barber examiners for examination to determine his fitness to receive a certificate of registration to practice barbering.

[1927 c. 316 s. 11; 1929 c. 270 s. 11; 1935 c. 229 s. 5] (5846-11)

154.12 PERSONS FROM OTHER STATES; PERMIT TO PRACTICE. A person who is of good moral character and temperate habits who 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 chapter shall, upon payment of the required fee, be called by the board of barber examiners for examination 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. Should he fail to pass the required examination he shall conform to the requirements of section 154.06 before being permitted to take another examination.

[1927 c. 316 s. 12; 1929 c. 270 s. 12; 1935 c. 229 s. 6] (5846-12)

154.13 BARBERS LICENSED 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 chapter at the time of the taking effect of this chapter 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 fees required by this chapter.

[1927 c. 316 s. 13; 1929 c. 270 s. 13] (5846-13)

154.14 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.

[1927 c. 316 s. 14; 1929 c. 270 s. 14] (5846-14)

154.15 CERTIFICATES MUST BE RENEWED ANNUALLY. All registered barbers and registered apprentices who continue in active practice or service shall on or before December thirty-first 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 thirty-first day of December in that year. A registered barber or a registered apprentice who has defaulted in renewing his certificate of registration may be reinstated within one year of such default without examination upon the payment of the required restoration fee.

[1927 c. 316 s. 15; 1929 c. 270 s. 15; 1935 c. 229 s. 7] (5846-15)

154.16 CAUSES FOR REVOCATION. The board of barber examiners 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:

- (1) Gross malpractice or gross incompetency;
- (2) Continued practice by a person having an infectious or contagious disease;
- (3) Advertising by means of knowingly false or deceptive statements;
- (4) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs;
- (5) Immoral or unprofessional conduct or practice;
- (6) The commission of any of the offenses described in section 154.19, clauses (3), (4), (5), (6), (7), or (8);

(7) The failure to practice for the period of one year prior to the date of application for issuance of renewal of license, or prior to such suspension or revocation of license;

(8) Violation of the so-called Sunday closing laws, being sections 614.28 to 614.30;

(9) A registered apprentice working in a barber shop in which he has a financial interest.

[1927 c. 316 s. 16; 1929 c. 270 s. 16; 1935 c. 229 s. 8] (5846-16)

154.17 BOARD MUST GIVE NOTICE IN WRITING. The board of barber examiners may neither refuse to issue or refuse to renew, nor suspend or revoke, any certificate of registration, for any of the causes set forth in section 154.16 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 procure by its subpoena the attendance of witnesses and the production of relevant books and papers.

[1927 c. 316 s. 17; 1929 c. 270 s. 17] (5846-17)

154.18 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 \$5.00.

The fee to be paid for the renewal of a certificate of registration to practice barbering is \$5.00 and for the restoration of an expired certificate, \$7.00.

The fee to be paid for the renewal of a certificate of registration to practice as an apprentice is \$4.00 and for the restoration of an expired certificate, \$6.00.

The fees for examinations and certificates, as required in this chapter, shall be paid in advance to the secretary of the board of barber examiners and 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.

The fees prescribed above for the renewal of certificates of registration as a registered barber and registered apprentice include the assessment made for the Unfair Trade Practice Act and shall be effective for the renewal of the 1947 licenses.

[1927 c. 316 s. 18; 1929 c. 270 s. 18; 1947 c. 373 s. 1] (5846-18)

154.19 VIOLATIONS. Each of the following constitutes a misdemeanor:

(1) The violation of any of the provisions of section 154.01;

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

(3) 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;

(4) Practicing or attempting to practice by fraudulent misrepresentation;

(5) The wilful failure to display a certificate of registration as required by section 154.14;

(6) 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, and where a barber shop is situated in a residence, pool-room, confectionery, store, restaurant, garage, clothing store, liquor store, hardware store, or soft drink parlor, there must be an outside entrance leading into the barber shop independent of any entrance leading into such business establishment, except that this provision as to an outside entrance shall not apply to barber shops in operation at the time of the passage of this chapter and except that a barber shop and beauty parlor may be operated in conjunction, without the same being separated by partition of ceiling height;

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

(8) 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 not less than five gallons;

(9) For the purposes of this chapter, barbers, students, apprentices, or the proprietor or manager of a barber shop, or barber school or barber college, shall be responsible for all violations of the sanitary provisions of this chapter, and if any barber shop, or barber school or barber college, upon inspection, shall be found to be in an unsanitary condition, the person making such inspection shall immediately issue an order to place the barber shop, or barber school, or barber college, in a sanitary condition, in a manner and within a time satisfactory to the board of barber examiners, and for the failure to comply with such order the board shall immediately file a complaint for the arrest of the persons upon whom the order was issued, and any licensed barber who shall fail to comply with the rules and regulations adopted by the board of barber examiners, with the approval of the state board of health, or the violation or commission of any of the offenses described in section 154.16, clauses (1), (2), (3), (4), (5), (6), (7), (8), (9), and of section 159.19, clauses (1), (2), (3), (4), (5), (6), (7), (8), (9), shall be fined not less than \$10 or imprisoned for ten days and not more than \$100 or imprisoned for 90 days.

[1927 c. 316 s. 19; 1929 c. 270 s. 19; 1929 c. 386 s. 1; 1935 c. 229 s. 9; 1945 c. 160 s. 5] (5846-19)

154.20 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 towels used on the customer in the receptacles and no towel shall be withdrawn from the receptacle and used on any customer until the towel has been laundered. A violation of any provision of this section shall be a misdemeanor.

[1929 c. 270 s. 20] (5846-19½)

154.21 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 chapter is perjury and punishable as such.

[1927 c. 316 s. 20; 1929 c. 270 s. 21] (5846-20)

154.22 BOARD OF BARBER 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 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 154.07, and shall be qualified and competent to pass upon all matters likely to come before the board. One of the members shall be a member of, or recommended by, a union of journeymen barbers which shall have existed at least two years, and one shall be a member of, or recommended by, the master barbers association of Minnesota.

The members of the board 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. The present members of the board of barber examiners shall remain in office until the completion of their respective terms.

[1927 c. 316 s. 21; 1929 c. 270 s. 22] (5846-21)

154.23 OFFICERS; COMPENSATION. The board of barber examiners 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 turn over to the state treasurer all moneys collected at least once a month.

Each member of the 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 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 shall receive as compensation \$4,000 per annum and the other members of the board shall receive a compensation of \$12 per day for each day of actual service, but not to exceed 20 days in any calendar month, in the discharge of their duties as such. All members of the board shall receive necessary traveling expenses incurred in the discharge of their duties. Salaries and expenses are to be paid only out of the fund created by fees collected in the administration of this chapter. Each member of the board of barber examiners is entitled to sick leave and vacation leave with pay to be computed in the manner prescribed by the civil service rules. Each member shall file monthly with the secretary a complete report showing his activities during the preceding month, stating in detail the places, shops, schools or colleges visited or inspected by the member. The board shall report annually to the governor a full statement of the receipts and disbursements of the board and 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 chapter.

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 chapter.

[1927 c 316 s 22; 1929 c 270 s 23; 1947 c 36 s 1; 1949 c 31 s 1] (5846-22)

154.24 RULES AND REGULATIONS. The board of barber examiners shall have authority to make reasonable rules and regulations for the administration of the provisions of this chapter 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 it to the owner or manager of each barber shop or 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 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.

[1927 c. 316 s. 23; 1929 c. 270 s. 24] (5846-23)

154.25 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, syphilis, 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 shall be considered a misdemeanor as provided for in this chapter.

[1927 c. 316 s. 24; 1929 c. 270 s. 25] (5846-24)

154.26 MUNICIPALITIES MAY REGULATE HOURS. The governing body of any city or village of this state may regulate by ordinance the opening and closing hours of barber shops within its municipal limits.

[1935 c. 229 s. 10] (5846-26½)