

CHAPTER 153**CHIROPODY****153.01 DEFINITIONS**

A licensed chiroprapist may use narcotics for a local anaesthetic but may not prescribe narcotics by prescription for use by a patient. OAG Dec. 21, 1951 (546-D).

153.04 REGISTRATION BY EXAMINATION

The requirements for admission to registration by examination is the completion of four years work in the first grade high school course, and the board must further determine that any diploma or certificate submitted must indicate graduation from a recognized school of chiropody having a minimum requirement of a course of three years of eight months each. OAG Dec. 19, 1946 (546-G).

The board of chiropody examiners cannot refuse the right of examination to a person who qualified under section 153.04. If prior to the date of application the applicant has been practicing chiropody without a license, his act is forbidden by law and consequently he might be refused examination because of lack of good moral character. OAG June 12, 1952 (546-G).

153.07 CANCELATION BY REGISTRATION

HISTORY. 1917 c 382 s 9; 1949 c 279 s 1.

CHAPTER 154**BARBERS****154.01 REGISTRATION**

The trade of barbering, the teaching thereof, and the operation and management of a barber school, requires technical training, study and experience, in order to safeguard the public health and welfare. The regulation thereof is a proper exercise of police power. *Lee v Delmont*, 228 M 101, 36 NW 530.

154.065 BARBER SCHOOLS AND COLLEGES

The words "now teaching" as used in section 154.065, and words of similar import such as "at the time of the passage of this act," are uniformly held to mean not the time of enactment but the time when the act takes effect. *State ex rel v Streeter*, 226 M 458, 33 NW (2d) 56.

The purpose of an exception or "grandfather clause" is to exempt from the statutory regulations imposed for the first time on a trade or profession, those members thereof who are then engaged in the newly regulated field; and the general rule is that a practitioner of a trade or profession in contemplation of the grandfather clause is one who habitually holds himself out to the public as such, although the extent of the practice is not controlling, it must be sufficiently regular, according to the circumstances of the particular case, to denote a continuing occupation. *State ex rel v Streeter*, 226 M 458, 33 NW (2d) 56.

Section 154.09 imposes upon the board the duty of conducting examinations of applicants for certificates of restoration to practice as registered barbers and registered apprentices. In conducting such examination, the board of barber examiners

must keep within the direction of the district court of Ramsey county and must not act in any way under the provisions of the sections declared unconstitutional. Section 154.02 is not affected by the decision, nor is section 154.06. The board, however, may proceed to conduct the examination and must exercise its discretion concerning the subject upon which the candidates shall be examined not inconsistent with the quoted decision. OAG Feb. 26, 1948 (33-A-3).

154.07 QUALIFICATION OF STUDENTS IN BARBER SCHOOLS

Statutes relating to the qualification of students and the regulation of barber schools, and the qualification, examination and certification of proper teachers and ancillary matters are not unconstitutional as involving an invalid delegation of legislative power to the state board of barber examiners. A statute prohibiting a barber school from enrolling more than 15 students for each instructor does not unreasonably or arbitrarily interfere with personal or property rights in contravention of due process. *Lee v Delmont*, 228 M 101, 36 NW(2d) 530.

When a trial court found sections 154.065 and 154.07 unconstitutional, and no appeal is taken, it is the duty of the board of examiners to conduct its affairs as though the said sections had never been enacted. OAG Feb. 25, 1948 (33-A-3).

This section does not apply to the Minneapolis educational department. OAG Jan. 4, 1952 (33-A-8).

154.09 EXAMINATIONS, CONDUCT AND SCOPE

Assuming that reasonable examinations are given, the requirement that a barber teacher must pass an examination in subjects prescribed by statute for licensed barbers is reasonable and does not arbitrarily or intentionally interfere with personal or property rights in contravention with due process of law. *Lee v Delmont*, 228 M 101, 36 NW(2d) 530.

Barbers in North Carolina may practice without examination or apprenticeship if veterans of three years experience in barbering while in the armed forces. *Motley v State Barber Board*, 228 N.C. 337, 45 SE(2) 550.

Section 154.09 imposes upon the board the duty of conducting examinations of applicants for certificates of restoration to practice as registered barbers and registered apprentices. In conducting such examination the board of barber examiners must keep within the direction of the district court of Ramsey county and must not act in any way under the provisions of the sections declared unconstitutional. Section 154.02 is not affected by the decision, nor is section 154.06. The board, however, may proceed to conduct the examination and must exercise its discretion concerning the subject upon which the candidates shall be examined not inconsistent with the quoted decision. OAG Feb. 26, 1948 (33-A-3).

154.18 FEES

The funds derived from the annual payment of registration certificates must be divided so that the portion representing assessments is credited to the account of the trade commission and the balance to the board of bar examiners. OAG Oct. 25, 1952 (33-A-3).

154.23 OFFICERS; COMPENSATION

HISTORY. 1927 c 316 s 22; 1929 c 270 s 23; 1947 c 36 s 1; 1949 c 31 s 1; 1951 c 83 s 1.

Employees of state boards are subject to the civil service law. OAG April 2, 1952 (644-B).

154.26 MUNICIPALITIES MAY REGULATE HOURS

A city ordinance which assumed to prescribe the hours when barber shops may be open for business was unconstitutional so far as it violated the due process clauses of the state and federal constitutions. *State ex rel v Johannes*, 194 M 10, 259 NW 527.