

**CHAPTER 155****BEAUTICIANS****155.01 HAIRDRESSER, BEAUTY CULTURIST**

Labeling of sub-standard foods under the Federal Food, Drug, and Cosmetic Act, 36 MLR 106.

It is a violation of the beauticians' code for a shop owner to give away a ticket which may draw a prize. It might be a violation of the lottery provisions of the constitution. OAG Oct. 5, 1949 (33-B).

The state board of hairdressing and beauty culture examiners is not authorized to enforce a plan whereby only a holder of a registration card issued by the board may purchase professional beauty supplies from jobbers or wholesalers. OAG Nov. 19, 1947 (33-B-1).

No authority exists authorizing the expenditure of state funds to publicize beauticians' law in daily newspaper. OAG Oct. 25, 1949 (33-B-2).

A charm school conducted on the premises and by the instructors of a beauty school but run separately and apart from each other and offering a different course of study and pointed toward a different education, is not in any way violative of the provisions of section 155. OAG April 24, 1948 (33-B-10).

**155.02 DEFINITIONS**

**HISTORY.** 1927 c 245 s 2; 1933 c 264 s 1; 1941 c 490 s 1; 1945 c 191 s 1; 1951 c 681 s 1.

If massage and electrolysis treatments are performed for the purpose of beautification, then in such cases, but in such cases only would the establishments fall within the statutory meaning of a beauty shop, and only in those cases must such establishments be registered as required by section 155.02. OAG Nov. 19, 1947 (33-B-2).

The owner of an approved school is ineligible to solicit business by giving demonstrations and lessons outside the actual school to groups of licensed hairdressers. There is no permission granted in Minnesota Statutes, Chapter 155, by which a person could go from town to town giving advanced lessons in hair styling to licensed hairdressers of the towns visited, charging a fee for the work. OAG Jan. 30, 1948 (33-B-10).

**155.03 PRACTICE OF HAIRDRESSING AND BEAUTY CULTURE**

**HISTORY.** 1927 c 245 s 8; 1933 c 264 s 1; 1941 c 490 s 3; 1949 c 502 s 1.

The state board of hairdressing and beauty culture examiners may print and furnish to supply houses and others, copies of the law relating to registration with the state agency, and may furnish evidence of non-conformity with the law, but may not organize opposition to irregular practices by agreements with supply houses that they sell only to persons exhibiting a registration card. OAG Nov. 19, 1947 (33-B-1).

Under the provisions of Laws 1949, Chapter 502, the statute requires the payment of a fee for registration upon change of shop ownership and also in case of a change in the physical location of the shop. OAG May 3, 1949 (33-B-1).

A manicurist of an establishment confining herself to the manicuring of hands is operating a beauty shop within the purview of section 155.03 and must, therefore, register and pay a registration fee. OAG May 29, 1950 (33-B-2).

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An accordion type plastic partition between a beauty shop and living quarters is permissible. OAG Aug. 10, 1951 (33-B-1).

### 155.06 BOARD; ORGANIZATION, RULES, RECORDS, INSPECTION

HISTORY. 1927 c 245 s 5; 1941 c 490 s 6; 1945 c 191 s 3; 1951 c 593 s 1.

Inspection of beauty schools may be made by the board or by a quorum or a member thereof, or by an agent, or assistant, or inspector. OAG Jan. 4, 1951 (33-B-10).

### 155.08 BOARD MEMBERS; COMPENSATION, EXPENSES

HISTORY. 1927 c 245 s 7; 1941 c 490 s 6; 1945 c 191 s 3; 1951 c 593 s 1.

### 155.09 APPLICANTS FOR EXAMINATION, LICENSE FEES

HISTORY. 1927 c 245 s 8; 1933 c 264 s 2; 1941 c 490 s 7; 1943 c 573 s 1; 1945 c 191 s 4; 1949 c 140 s 1; 1951 c 681 s 2, 3.

An applicant for registration must furnish proof in the form of a certificate or affidavit or otherwise relative to the applicant's qualifications sufficient for the board to make a determination, and one lacking in education is not entitled to take the examination. OAG April 15, 1948 (33-B-6).

### 155.11 SCHOOLS; APPROVAL; INSTRUCTION

HISTORY. 1927 c 245 s 10; 1933 c 264 s 3; 1941 c 490 s 9; 1943 c 573 s 3; 1945 c 191 s 5; 1949 c 376 s 1.

Segregation; consequences; a social science statement. 37 MLR 427.

The Minnesota state hairdressing board has authority to prescribe that students in approved schools must spend a certain amount of time in study before working on the public. OAG Oct. 25, 1949 (33-B-2).

The owner of an approved school is ineligible to solicit business by giving demonstrations and lessons outside the actual school to groups of licensed hairdressers. There is no permission granted in Minnesota Statutes, Chapter 155, by which a person could go from town to town giving advanced lessons in hair styling to licensed hairdressers of the towns visited, charging a fee for the work. OAG Jan. 30, 1948 (33-B-10).

An approved beauty culture school may include the word "charm" in its business name and may give lessons in "charm" after the regular beauty culture class is dismissed. OAG April 24, 1948 (33-B-10).

Mount St. Mary's School, conducted as part of a convent, sometimes known as The House of the Good Shepherd, and being a school for girls from broken homes and problem girls, may be approved and licensed and certified as a beauty school and the granting of such license is not in conflict with the provisions of section 155.11, subdivision 7. To be granted a certificate the school must comply with the provisions of the law relating to the granting of certificates. OAG Nov. 3, 1948 (33-B-10).

As professional departments of any beauty school must be run entirely separate and apart from the school, a requirement that each should have its individual telephone is an allowable restriction. OAG May 23, 1949 (33-B-10).

A certificate of approval granted to a beauty school is transferred upon a showing of financial responsibility by the new owner. OAG July 8, 1949 (33-B-10).

The requirements that hairdressing and beauty culture schools must pay an annual registration fee is not applicable to public schools. OAG July 28, 1949 (33-B-10).

A new approval of a hairdressing and beauty culture school is not required upon change of location; but where it is a change of ownership there must be a showing

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of financial responsibility by the purchaser and upon furnishing a satisfactory certificate, approval will be granted without payment of the \$100 fee. OAG July 6, 1950 (33-B-10).

Inspection of beauty schools may be made by the board or by a quorum or a member thereof, or by an agent, or assistant, or inspector. OAG Jan. 4, 1951 (33-B-10).

The certificate of operation of a beauty school may be revoked if their plan of operation is changed so as to permit payment of a commission to students of the school for work done in the school. OAG Aug. 22, 1951 (33-B-10).

## 155.12 CHARGES FOR STUDENT WORK

The Minnesota state hairdressing board has authority to prescribe that the students in approved schools must spend a certain amount of time in study before working on the public. OAG Oct. 25, 1949 (33-B-2).

## 155.13 SHOPS; HEALTH AND SANITARY RULES

Section 155.13 gives to the state board of hairdressing and beauty culture examiners powers to make and enforce certain sanitary and health rules that beauty shops must abide by and this includes jurisdiction of the use of sterilizing agents, germicides, and antiseptics, and the board may revoke or suspend the license of a licensee who fails to keep the premises or places used in a clean and sanitary condition or who fails to properly sterilize the brushes, combs, and instruments used. OAG April 8, 1948 (33-B-8).

## 155.14 PRACTITIONERS FROM OTHER STATES

HISTORY. 1927 c 245 s 13; 1941 c 490 s 10; 1951 c 681 s 4.

## 155.15 LICENSES; DISPLAY, RENEWAL

HISTORY. 1927 c 245 s 15; 1933 c 264 s 4; 1941 c 490 s 11; 1943 c 573 s 4; 1951 c 681 s 6.

A person, whose previous license has lapsed and who thereafter failed the state board of hairdressing and beauty culture examination, need not under the rule be forced to attend school for further training preliminary to taking another examination. OAG Sept. 21, 1949 (33-B-6).

## 155.16 LICENSES, CERTIFICATES; GRANTING, REVOKING, SUSPENDING

HISTORY. 1927 c 245 s 16; 1941 c 490 s 12; 1951 c 681 s 5.

Section 155.13 gives to the state board of hairdressing and beauty culture examiners powers to make and enforce certain sanitary and health rules that beauty shops must abide by, and this includes jurisdiction of the use of sterilizing agents, germicides, and antiseptics, and the board may revoke or suspend the license of a licensee who fails to keep the premises or places used in a clean and sanitary condition or who fails to properly sterilize the brushes, combs, and instruments used. OAG April 8, 1948 (33-B-8).

## 155.20 REQUISITES FOR PRACTICE OUTSIDE OF PLACE OF BUSINESS

A certificate may be issued to a licensed beauty culture operator whose place of business is an approved beauty culture school where he serves as an instructor. OAG May 15, 1951 (33-B-1).

155.202 Repealed, 1951 c 681 7.