

## CHAPTER 155

## BEAUTICIANS

**155.01 UNLAWFUL TO ENGAGE IN OCCUPATION OR CONDUCT SHOPS EXCEPT AS AUTHORIZED.**

HISTORY. 1927 c. 245 s. 1; M.S. 1927 s. 5846-27.

The occupation of beauty culture is a lawful occupation but of a nature similar to that of barbering, subject to regulation. Plaintiff's salesman, without charge to its customers, applied lotions for the purpose of selling their product. This was a breach of the beauty culturist act. *Luzier v State Board*, 189 M 151, 248 NW 664.

The last sentence of section 154.04 is unconstitutional in so far as it applies to licensed beauty culturists. *Johnson v Ervin*, 205 M 84, 285 NW 77.

The barbers' law and the beauty culturists' law are part of the duty of the state, under its police power, to protect the health of the community. A municipality given the authority to enact ordinances to protect the health of its inhabitants, would have power to enact ordinances establishing beauty parlors. 1934 OAG 108, Aug. 7, 1933 (33b-1).

**155.02 DEFINITIONS.**

HISTORY. 1927 c. 245 s. 2; M.S. 1927 s. 5846-28; 1933 c. 264 s. 1; M. Supp. s. 5846-28; 1941 c. 490 s. 1; 1945 c. 191 s. 1.

Beauty operators are not authorized to cut bangs, thin hair, or give neck clips. OAG Dec. 2, 1937 (33b-5).

A demonstrator of cosmetics needs no license, provided he is a manufacturer or a representative or employee of a manufacturer, regardless of the fact that he may or may not be engaged in general public practice for compensation. A hair dye is a cosmetic. OAG July 5, 1934 (33b).

The shop of a beauty culturist must be completely partitioned off and cannot be used in any manner for living quarters. OAG Feb. 3, 1934.

Licensed manager-operator must have a set place registered with the board and cannot travel from town to town and operate in several locations. OAG July 5, 1934 (33b).

**155.03 HAIRDRESSING AND BEAUTY CULTURE, WHERE PRACTICED; REGISTRATION; TEACHING.**

HISTORY. 1927 c. 245 s. 2; M.S. 1927 s. 5846-28; 1933 c. 264 s. 1; M. Supp. s. 5846-28; 1941 c. 490 s. 1.

A licensed operator may be employed as a demonstrator for a jobber, and need not be a manager operator. In such employment the operator is not subject to supervision or inspection. OAG July 5, 1944 (33b).

**155.04 BOARD OF EXAMINERS.**

HISTORY. 1927 c. 245 s. 3; M.S. 1927 s. 5846-29; 1941 c. 490 s. 2.

**155.05 MEMBERS OF BOARD OF EXAMINERS.**

HISTORY. 1927 c. 245 s. 4; M.S. 1927 s. 5846-30; 1941 c. 490 s. 3.

**155.06 ORGANIZATION OF BOARD; RULES; RECORDS.**

HISTORY. 1927 c. 245 s. 5; M.S. 1927 s. 5846-31; 1941 c. 490 s. 4; 1945 c. 191 s. 2.

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The board is not authorized to retain persons to investigate law violators or obtain evidence upon which to prosecute. OAG July 30, 1935 (33b-11).

The amendment Laws 1941, Chapter 490, containing the \$15,000 limitation was for the purpose of limiting the payroll, mileage and subsistence of employees and that alone, and did not deal with other problems. 1942 OAG 283, Aug. 7, 1941 (33-B).

The executive secretary is not within the classified service; all other employees are. OAG Oct. 16, 1944 (644b).

### 155.08 COMPENSATION, EXPENSES OF BOARD MEMBERS.

HISTORY. 1927 c. 245 s. 7; M.S. 1927 s. 5846-33; 1941 c. 490 s. 6; 1945 c. 191 s. 3.

### 155.09 APPLICANTS FOR EXAMINATION; QUALIFICATIONS; LICENSE FEES.

HISTORY. 1927 c. 245 s. 8; M.S. 1927 s. 5846-34; 1933 c. 264 s. 2; M. Supp. s. 5846-34; 1941 c. 490 s. 7; 1943 c. 573 s. 1; 1945 c. 191 s. 4.

### 155.10 TEMPORARY LICENSES TO OPERATORS.

HISTORY. 1927 c. 245 s. 9; M.S. 1927 s. 5846-35; 1941 c. 490 s. 8; 1943 c. 573 s. 2.

An operator's license must be obtained by one who is practiced in all branches of beauty work in another state. He cannot be granted a temporary license. OAG Feb. 3, 1933.

A temporary license may be issued to a student for such time as may intervene between examinations and information as to result. OAG Feb. 7, 1936 (33b-9).

### 155.11 SCHOOLS; APPROVAL; INSTRUCTION.

HISTORY. 1927 c. 245 s. 10; M.S. 1927 s. 5846-36; 1933 c. 264 s. 3; M. Supp. s. 5846-36; 1941 c. 490 s. 9; 1943 c. 573 s. 3; 1945 c. 191 s. 5.

Professional department must be kept separate from the student section in such manner as to permit the customer to clearly distinguish between the two departments. OAG Feb. 3, 1934.

The board, in its judgment, may reject an application for a beauty school even though the applicant has complied with all the requirements of this section. OAG Feb. 11, 1933.

### 155.12 CHARGES FOR STUDENT WORK.

HISTORY. 1927 c. 245 s. 11; M.S. 1927 s. 5846-38.

### 155.13 SHOPS; HEALTH AND SANITARY RULES.

HISTORY. 1927 c. 245 s. 12; M.S. 1927 s. 5846-38.

### 155.14 PRACTITIONERS FROM OTHER STATES.

HISTORY. 1927 c. 245 s. 13; M.S. 1927 s. 5846-39; M. Supp. s. 5846-39; 1941 c. 490 s. 10.

The board may dispense with examination for licenses upon proof that the applicant has practiced in another state for a period of one year. OAG Feb. 3, 1933.

Reciprocal and retaliatory legislation. 21 MLR 371.

### 155.15 LICENSE DISPLAYED; RENEWAL.

HISTORY. 1927 c. 245 s. 15; M.S. 1927 s. 5846-41; 1933 c. 264 s. 4; M. Supp. s. 5846-41; 1941 c. 490 s. 11; 1943 c. 573 s. 3.

The board cannot extend time for renewal of a license. OAG Jan. 14, 1929.

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**155.16 LICENSES REFUSED, REVOKED, OR SUSPENDED; WHEN RE-  
ISSUED.**

HISTORY. 1927 c. 245 s. 16; M.S. 1927 s. 5846-42; 1941 c. 490 s. 12.

**155.17 NOTICE OF BOARD MEETINGS.**

HISTORY. 1927 c. 245 s. 17; M.S. 1927 s. 5846-43.

**155.18 DISPOSAL OF FEES.**

HISTORY. 1927 c. 245 s. 18; M.S. 1927 s. 5846-44; 1941 c. 490 ss. 13, 15;  
1945 c. 191 s. 6.

**155.19 SERVICES EXCEPTED; EMERGENCY.**

HISTORY. 1927 c. 245 s. 19; M.S. 1927 s. 5846-45.

**155.20 OPERATORS MAY PRACTICE IN HOME OF CUSTOMER.**

HISTORY. 1927 c. 245 s. 20; M.S. 1927 s. 5846-46; 1945 c. 191 s. 7.

**155.202 APPLICATION.**

HISTORY. 1945 c. 191 s. 8.

**155.203 PRACTICING MANICURISTS; DUTIES.**

HISTORY. 1945 c. 191 s. 9.

**155.205 SERVICE OF PROCESS UPON AGENTS NAMED.**

HISTORY. 1941 c. 490 s. 14.

**155.21 VIOLATIONS; PENALTIES.**

HISTORY. 1927 c. 245 s. 21; M.S. 1927 s. 5846-47.