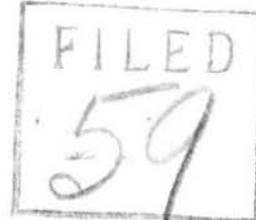


HEALTH:

Board of Health may require by rule Director of Cosmetology and Secretary to give surety bond before entering upon discharge of their duties.

February 10, 1936.

2-11



E. T. McGaugh, M. D.,
State Health Commissioner,
Jefferson City, Missouri.

Dear Doctor McGaugh:

This is to acknowledge your letter dated February 6, 1936, as follows:

"I am writing for an opinion relative to the following:

"Since much money is handled in the Cosmetology and Hairdressing Department, please advise me if it is necessary for the Director of the Department of Cosmetology and Hairdressing to carry a surety bond.

"Also, is it necessary that the Secretary to the Director of Cosmetology and Hairdressing carry a bond?"

Article 5, Chapter 52, R. S. Mo. 1929, and amendments, pertain to "Cosmetologists, Hairdressers and Manicurists" and Section 3093, R. S. Mo. 1929, provides as follows:

"The control, supervision and enforcement of the terms and provisions of this article shall be under the state board of health, or by whatever name said board may hereafter be designated."

Feb. 10, 1936.

Nowhere does Article 5, Chapter 52 provide for a Director and a Secretary to said Director. We presume that such are employed by virtue of Section 9093.

As Article 5 does not provide for the employing of a Director of Cosmetology and a Secretary, neither does it provide for the giving of a bond by such, if employed. If the Board of Health appoints a Director of Cosmetology and a Secretary to said Director, then, of course, the Board could require a bond from said persons. It would be our opinion that if the Board of Health required the Director of Cosmetology and Secretary to have a surety bond before entering upon the discharge of their duties, that such would be a valid rule that said Director and Secretary would have to comply with.

However, if the Board requires a surety bond, such could not be paid out of the appropriations made to the "State Board of Health--Cosmethology and Hairdressing," Subdivision Section 24, Laws of Missouri, 1935, page 98, in our opinion, for the reason that said appropriation act does not provide for the payment of bonds from said appropriation.

Yours very truly,

James L. HornBostel
Assistant Attorney-General

APPROVED:

ROY MCKITTRICK
Attorney-General

JLH:EG