

STATE BOARD OF HEALTH: No school of Cosmetology, Hair-dressing or Manicuring may be operated in this State without obtaining a certificate of registration.

September 24, 1937. 10/21

Miss Nellie L. Killion
Director, Division of
Cosmetology and Hairdressing
Jefferson City, Missouri

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Dear Miss Killion:

This will acknowledge receipt of your request for an opinion reading as follows:

"Is it permissible to operate a branch school, located in the same city and at least fifteen miles from the main school, as this school owner terms the school she has registered with the State of Missouri."

Your attention is directed to Section 9089 R. S. Mo. 1929, relating to the requirement of a certificate of registration before one may conduct a hairdressing or cosmetologist school. It provides in part as follows:

"It shall be unlawful for any person in this state to **** conduct a hair-dressing or cosmetologist's or manicurist's establishment or school, unless such person shall have first obtained a certificate of registration as provided by this article."

Section 9092 R. S. Mo. 1929, relating to the certification of registration provides in part as follows:

"It shall be competent for any person, firm or corporation to apply to the state board of health for a certificate of registration of a school for any one or more of the classified occupations within this article upon the payment of a reason-

able annual registration fee as determined annually by the said board but in no case to exceed the sum of one hundred dollars.* * * *."

A further and careful reading of all of Article V, Chapter 52 of R. S. Mo. 1929, in which the sections of the statutes above cited are included, does not disclose wherein it is permissible for any person, firm or corporation to operate a branch school or what may be termed a "chain system" of Beauty Schools, without obtaining a certificate of registration for each school.

You will have noted from the above cited sections of the statutes that the word "school" is used in its singular sense, but may be extended or enlarged when applied to persons or things. This is fundamental in the construction of statutes. As tersely said in the case of *Garrett v. Wiltse*, 161 S. W. 694, 697:

"* * * *In construing public statutes, the rule is to include the plural in singular number. * * * *."

But from this does it follow that these schools could be operated on one certificate of registration, when so doing would possible defeat the object and purpose of the statutes? We think not.

When we consider other portions of Section 9092, supra, relating to the attaching of a regular licensed physician to the staff of a school, this conclusion is inescapable, in view of the fact that these laws are passed in view of general health and welfare of the community. To permit the establishment of a branch school without a certificate of registration would only serve to defeat this necessary requirement imposed by statute.

It is also provided in another part of Section 9092, supra, as follows:

"No school * * * * shall operate within this state unless a proper certificate of registration * * * * has been obtained."

Miss N. L. Killion

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September 23, 1937.

This part of the statute is plain, mandatory in its terms, free from any ambiguity and needs no interpretation. State ex rel. Jacobsmeyer v. Thatcher, 92 S. W. (2d) 640.

CONCLUSION

In view of the above it is the opinion of this department that Article V, Chapter 52, R. S. No. 1929, does not contemplate the operation of any school or schools for cosmetologists, hairdressers or manicurists unless the person, firm or corporation operating the same shall have secured a certificate of registration from the State Board of Health for the school or schools. Further, that no branch school may be operated without a certificate of registration being obtained therefor.

Respectfully submitted

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Assistant Attorney General.

APPROVED:

J. E. TAYLOR
(Acting) Attorney General.

RCS:AH