

COSMETOLOGY: ) One who performs work upon the hair of a corpse  
                  ) is not practicing the occupation of hairdressing.  
EMBALMERS:    )



August 28, 1953

Miss Jakaline McBrayer  
Executive Secretary  
State Board of Cosmetology  
Ott Building  
Jefferson City, Missouri

Dear Miss McBrayer:

We render herewith our opinion based on your request of August 6, 1953, which request reads as follows:

"I have had several questions asked recently from operators out over the state about undertakers doing hair work on the dead. Does this come under their line of work now? I felt that it did, but did not want to give out the wrong information. A reply from you will be appreciated."

Section 329.020, RSMo 1949, defines a hairdresser as one who "engages for compensation in any one or any combination of the following practices, to-wit: Arranging, dressing, curling, singeing, waving, permanent waving, cleansing, cutting, bleaching, tinting, coloring or similar work upon the hair of any person by any means \* \* \*"

It, therefore, becomes necessary to determine whether a corpse is a "person" as used in Section 329.020, RSMo 1949.

We conclude that a corpse is not a "person," and that, therefore, one who performs work upon the hair of a corpse is not practicing the occupation of a hairdresser.

In *Sawyer v. Mackey*, 21 N.E. 307, the court said this:

"The natural and obvious meaning of the word 'person' is a living human being."

In *Brooks v. Boston and North State Railway Company*, 97 N.E. 760, the court said:

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"It is axiomatic that a corpse is not a person. That which constitutes a person is separated from the body of death and that which remains is 'dust and ashes.'"

Chapter 333, RSMo 1949, relating to the practice of embalming contains no definition of the practice of embalming. However, among qualifications of an embalmer is "a knowledge of \* \* \* the care and disposition of the dead \* \* \*." Section 333.020, RSMo 1949. This, in our judgment, could well include the arrangement of the hair on a corpse.

#### CONCLUSION

It is the opinion of this office that one who performs work upon the hair of a corpse is not practicing the occupation of hair-dressing.

The foregoing opinion, which I hereby approve, was prepared by my Assistant, Mr. W. Don Kennedy.

Yours very truly,

JOHN M. DALTON  
Attorney General

WDK/rh