



OFFICES OF THE

ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

April 5, 1974

JOHN C. DANFORTH  
ATTORNEY GENERAL

OPINION LETTER NO. 172

Harold P. Robb, M.D., Director  
Division of Mental Health  
Post Office Box 687  
Jefferson City, Missouri 65101

Dear Dr. Robb:

This letter is in response to your question asking:

"I respectfully request your opinion whether the Division of Mental Health or one of its facilities must obtain a license under Section 329.045 V.A.M.S. to offer beauty care services to its patients domiciled in that state facility; and secondly, if the operator is duly licensed under Chapter 329 RSMo, must the operator in the event the beauty shop within the facility is not licensed, then 'work from an established beauty salon'?"

Section 329.045, RSMo, to which you refer requires annual registration of shops or establishments in which the occupation of hairdresser, cosmetologist, or manicurist is practiced. There is no indication whatsoever that the legislature intended that such provisions would require the licensing of state mental health facilities. Governmental units are not within the purview of a statute unless an intention to include them is clearly manifest. City of Poplar Bluff v. Knox, 410 S.W.2d 100, 103 (Mo.App. 1966). Therefore such facilities are not within the registration requirements of Section 329.045.

By the use of the word "operator" in your second question, we understand that you mean the division employee classified under

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the merit system as a beautician and licensed under Chapter 329, RSMo. Such an employee need not "work from an established beauty salon". The beautician so employed may work in the facility as may be required by the needs of the patients and as directed by the head of the facility.

Very truly yours,

A handwritten signature in cursive script, appearing to read "John C. Danforth". The signature is written in dark ink and is positioned above the typed name.

JOHN C. DANFORTH  
Attorney General