

**HEALTH:  
COSMETOLOGY AND HAIRDRESSING:  
QUALIFICATIONS FOR EXAMINATION:**

Persons who have had one year training under registered operator of business of cosmetology and hairdressing and who possess the other qualifications prescribed by the statute, may take the examination for registered operators

March 29, 1938

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Miss Nellie L. Killion, Director  
Division of Cosmetology and Hair-  
dressing,  
State Board of Health,  
Jefferson City, Missouri.

Dear Madam:

This is to acknowledge yours of May 21, 1938 requesting an official opinion from this department on the following questions:

First: What qualifications are required of persons who have been apprentices to an operator of a business of cosmetology or hairdressing, who desire to take the examinations held by your department for the purpose of obtaining a certificate to engage in the occupation of cosmetologist, hairdresser or manicurist.

Second: A construction of the law as it applies to the number of apprentices an operator may have in his business at the same time.

Third: Registration of apprentices with the State Board.

983 R.S. Mo. 1939,  
The first part of Section 9092, R.S. Mo. 1929, applies to the certificates of registration for schools which teach hairdressing and cosmetology. The latter part of the said section is as follows:

"No school, as provided in this article, shall operate within

this state unless a proper certificate of registration under this article has first been obtained. Nothing contained in this article shall prohibit registered operators within a hair-dressing or cosmetologist's or manicurist's establishment from teaching any of the practices of the classified occupations in their regular course of business, provided the owner or manager thereof does not hold himself out as a school and does not hire or employ or teach regularly at any one and the same time, more than one apprentice to three or less operators regularly employed within their business, and said owner or manager does not accept any fee for instruction."

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The foregoing part of said Section 9092 specifically authorizes the registered operator to teach any of the practices of the occupation of hair dressing, cosmetology or manicuring provided the operator does not hold himself out as a school and provided he does not hire or employ or teach regularly at any one and the same time more than one apprentice to three or less operators regularly employed in the business, and provided further that such operator does not accept a fee for such instruction. By Section 9095, R.S. Mo. 1929, it is provided:

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"No one shall be admitted to examination or registration under this article unless he or she possesses the following qualifications: (a) Apprentices or students need not be registered, but shall, while learning or acquiring any of the practices of the classified occupations, be at least sixteen years of age, of good moral character and have an education

equivalent to the completion of the eighth grade. (b) Applicants may be registered as operators in any of the practices of the classifications under this article upon the payment of examination fee, provided they are of good moral character and have an education equivalent to the completion of the eighth grade and shall have served and completed the required time and studies as determined by the state board of health to be necessarily related to any one or combination of the practices but not less than one year for the classification of hairdressing and cosmetologists and not less than three months for the classification of manicurists under the supervision of a registered operator as an apprentice," \* \* \* \* \*

4823 R.S. Mo. 1939

Section 9102, R.S. Mo. 1929 makes the following provisions:

"Power to refuse a certificate.-- The state board of health shall have power to refuse a certificate to anyone guilty of fraud in passing the examination or at any time convicted of a felony or guilty of gross immorality, grossly unprofessional or dishonest conduct or to anyone addicted to the use of intoxicating liquor or drugs to such an extent as to render him or her unfit to engage in any of the practices or occupations classified under this article or to anyone advertising by means of

false or deceptive statements knowingly made or for the failure to display the certificate as provided in this article. The board shall have power to revoke or suspend certificates for any one of the foregoing causes."

From this section it seems that the Legislature has provided a means in which the board of health may have ample supervision and control over the applicants and registered operators and if an operator conducts himself in a grossly unprofessional manner, then the board may revoke his license. Therefore, if an operator is trying to evade the law in any manner, it seems that the health board would be authorized to revoke the license on account of such unprofessional conduct.

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It appears by said Section 9092, supra, that each three or less operators may employ or teach regularly at one and the same time only one apprentice, and by said Section 9095, supra, if such apprentices, having the other qualifications required, has served one year as an apprentice under the supervision of a registered operator, then he or she is qualified to take the examination of the board to become a registered operator.

A portion of your letter directs criticism to the law because it does not require the apprentice to be registered during the term of his or her apprenticeship. This criticism, of course, would have to be directed to the legislators as this office can only construe the law as it is.

#### CONCLUSION

From the foregoing, this office is of the opinion that any person who has served one year as an apprentice under a registered operator of a hairdressing or cosmetology establishment, who has paid the proper examination fee, who is of good moral character and who has an education equivalent to an eighth grade education, shall be authorized to take

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the examination for a registered operator's certificate.

We are further of the opinion that the provisions of Section 9095, supra, relieves the apprentice or student from the duty of registering with the State Board during apprenticeship or while attending school.

We are further of the opinion that for each three or less operators regularly employed within the business of cosmetology or hairdressing, there may be one apprentice.

Respectfully submitted,

TYRE W. BURTON  
Assistant Attorney General

APPROVED:

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J. E. TAYLOR  
(Acting) Attorney General

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