The above statute in many of its phases, including to a certain extent the question now presented, was reviewed in Official Opinion No. 96 of this office of October 4, 1949, addressed to you.

The following conclusion was there reached as applicable to the question there presented.

"From the foregoing it is very evident, especially when considered in pari materia with the other sections of said statute, that Funeral Directors' Licenses may be issued not only to the owner and operator of the business but to the employees otherwise duly qualified for licensure. The statute makes no requirement for a distinction between such forms of licensee but only requires that the conditions upon which they are issued be fully recorded with the Board and passed on by the Board at the time such Funeral Directing Establishment is approved and such license issued."

Based upon the authorities considered in the foregoing Official Opinion, and the reasons herein set out, I am of the opinion the practice suggested in your question is not forbidden by the 1949 Funeral Director's Act provided each of such places is fully qualified by a licensed funeral director who is available at all reasonable times for service at such establishment. One licensee could not qualify any more than one establishment.

OFFICIAL OPINION NO. 24

April 3, 1950.

Mrs. William R. Allen, Secretary,
Indiana State Board of Barber Examiners,
141 South Meridian Street,
Indianapolis 4, Indiana.

Dear Sir:

Your letter has been received requesting an official opinion on the following questions:

"1. Is a person licensed as a beauty culturist by the State Board of Beauty Culturist Examiners under
the provisions of Chapter 72 of the Acts of 1935 entitled to cut or trim hair?

"2. When must a person obtain a certificate from the State Board of Barber Examiners, to practice as a hair cutter in a beauty shop or hair dressing establishment under the provisions of Chapter 48, Acts of 1933?"

The statute concerning regulation and licensure of barbers is Section 63-301 et seq., Burns 1943 Replacement, same being Chapter 48, Acts of 1933, Section 1 of said act, being Section 63-301, Burns 1943 Replacement, provides in part as follows:

"On and after September 1, 1933, it shall be unlawful:

* * *

(3) To practice as a hair cutter in a beauty shop and hairdressing establishment without a certificate of registration as a hair cutter, duly issued by the board of barber examiners."

Thereafter said act, as amended by Section 3, Chapter 65, Acts 1937, same being Section 63-312, Burns 1943 Replacement, provides, among other things, for the collecting and charging of the following fee:

"* * *

"For the examination of an applicant for a certificate to practice as a hair cutter in a beauty shop or hairdressing establishment, two dollars ($2.00)."

Section 10 of said act, same being Section 63-310, Burns 1943 Replacement, provides in part as follows:

"The following persons are exempt from the provisions of this act while in the proper discharge of their professional duties:

* * *

"(4) Hairdressers and beauty culturists, in so far as their usual and ordinary vocation and profession is concerned including light hair trimming incidental to
waving of all kinds, which shall not include hair cutting.”

Section 16 of said original act, as amended by Section 5, Chapter 65, Acts 1937, same being Section 62-316, Burns 1943 Replacement, among other things, makes it a misdemeanor, punishable by a fine of not less than $25.00 nor more than $200.00, to violate any of the provisions of Section 1 of said act, supra.

Statutes must be construed as a whole in order to determine the legislative intent.

Snyder v. State ex rel. Leap (1934), 206 Ind. 474, 478;
State v. Ritter's Estate (1943), 221 Ind. 456, 469, 470.

Courts will look to the general scope and purpose of a statute to determine the legislative intent.

City of Indianapolis v. Evans (1940), 216 Ind. 555, 567.

Where a statute is clear and unambiguous on its face it need not and can not be interpreted by a court and only those statutes which are ambiguous and of doubtful meaning are subject to the process of statutory interpretations.

Section 4502, Sutherland Statutory Construction 3rd Ed.;
Hood v. State (1906), 167 Ind. 622, 624;
Citizens T. & S. Bank v. Fletcher American Co. (1934), 207 Ind. 328, 334;

When the provisions of the foregoing statute are construed in connection with the above rules it is at once apparent that the legislature under Section 10 of said act, supra, exempted from the provisions of said act, as to hair cutters' licenses, hairdressers and beauty culturists insofar as their usual and ordinary vocation and profession is concerned “including light hair trimming incidental to waving of all kinds, which shall not include hair cutting.” It is a well known fact that at
the time of the passage of said act, beauty operators, as a part of their business, carried on operations known as marceling of the hair and finger waving, which required some light trimming in connection with such operations. These operations from a practical standpoint are somewhat analogous to the present practice used by hairdressers and beauty culturists of setting hair, which also requires in many instances some light hair trimming.

As originally enacted I am of the opinion the above statute required a hair cutter's license for those persons, including hairdressers and beauty culturists, engaged in cutting hair in a beauty parlor, but exempted such beauticians insofar as any such hair cutting was done in connection with their usual vocation and profession and specifically exempted light hair trimming incidental to waving of all kinds. Since said statute makes a violation thereof a misdemeanor it must be strictly construed against the state.

In 1935 the legislature passed the Beauty Culture Law, same being Chapter 72, Acts 1935, being Section 63-1801, et seq., Burns 1943 Replacement. It requires, among other things, the licensure of such practice; certain schooling in such practice; and the passing of an examination as a condition for licensure. Section 2 of said act, same being Section 63-1802, Burns 1943 Replacement, among other things, define the practice of beauty culture as follows:

"(3) To cut, clip or trim the hair in combination with a permanent wave, and at no other time."

In this regard see 1937 Opinions of the Attorney General, page 116.

Under the last quoted provision the legislature has specifically by such latter statute included within the authorized and licensed practice of beauty culture the right to cut hair in connection with the giving of a permanent wave. Being later in time and specifically giving such authority in connection with such licensure as to a beauty culturist, the statute would to that extent supersede the Barber Law. However, it does not necessarily conflict with the Barber Law as by such definition it comes within the specific exemption of Section 10 of the Barber Law, supra, as it is a part of the "usual and ordinary vocation and profession" of beauty culturists.
It is, therefore, clear that under the above statutes beauty culturists without the necessity of having a hair cutter's license are now authorized:

1. To cut hair in combination with the giving of a permanent wave.

2. Under the Barber Act they are authorized to do light hair trimming incidental to waving of all kinds, which would include hair setting. By these provisions the legislature has somewhat differentiated between hair cutting and light trimming. A hairdresser or beauty culturist who does not have a hair cutter's license is not authorized to cut hair except in connection with such person giving a permanent wave, nor is such operator without a hair cutter's license authorized to light trim the hair except in connection with a setting or waving of the hair. This sufficiently answers your question Number One.

As to your question Number Two, I am of the opinion any person cutting hair in a beauty shop or hairdresser's establishment must have a hair cutter's license issued by the Barber Board except for those hairdressers and beauty culturists exempt therefrom, as pointed out in the last preceding paragraph of this opinion.

OFFICIAL OPINION NO. 25
April 12, 1950.

Mr. Bernard E. Doyle, Chairman,
Indiana Alcoholic Beverage Commission,
201 Illinois Building,
Indianapolis, Indiana.

Dear Sir:

I have your communication of April 3, 1950, which reads as follows:

"The Act of 1947, Chap. 222, Sec. 17, thereof, provides that cigarette distributors engaged in interstate business shall be permitted to set aside such part of the stock as may be necessary for the conduct of such interstate business without affixing the stamps required by the Act."