BARBER EXAMINERS, STATE BOARD OF: Haircutter's license—holder of same not entitled to cut hair except when operation is incidental to or in combination with permanent wave.

March 19, 1937.

Mr. Frank McKamey,
Secretary of Board of
Barber Examiners,
State House,
Indianapolis, Indiana.

Dear Sir:

I acknowledge receipt of your request of March 17, with reference to cutting boys' hair in a beauty shop. I quote the following from your letter:

> ". . . I have held that they could not cut boys' and men's hair in a beauty shop holding only a haircutter's license. Cutting men's and boys' hair has been barber work down through the ages and a barber shop has never been termed a hairdressing establishment."

I also note the letter from Judge NcNabb, which is as follows:

> "Mrs. Bernice McElwaine, 1101 East Washington St., this city, has consulted me with reference to the decision of your Board wherein you hold that it is illegal for her as the holder of a haircutter's certificate, to cut the hair of young boys in her establishment. Since talking with Mrs. McElwaine, I have had a conference with Mr. Walter Pfaller, our mutual friend, in which he has given me a rather definite picture of Mrs. McElwaine. I am wondering whether or not you could forward me a complete copy of your regulations, as well as the opinion of the Attorney-General, wherein you hold that it is illegal for her, in her present establishment and with the authority now reposed in her, to cut the hair of boys."

The Indiana Barber's Law; same being chapter 48 of the Act of the Legislature of 1933, has been amended by the recent Legislature of 1937; however, the 1937 amendments

do not concern us for the purpose of replying to your request as the same does not become effective until properly promulgated by the Governor which will be some time in May or June of this year.

In order that we may properly arrive at a correct answer to your request it becomes necessary to interpret, not only the Indiana Barber Law, but also the Act of 1935, known as the Indiana Beauty Culture Law; same being chapter 72 of the Acts of 1935, and that these two acts should be considered together for the purpose at hand. The 1933 Act is one for barbers; the 1935 Act is one for beauty culture operators. The Act of 1935 on page 201 thereof in section 2, sub-section (3), we find as follows:

> "Sec. 2. Any one or any combination of the following practices when performed upon the head, face, neck, shoulders, arms and/or hands for cosmetic purposes and done for the public generally for pay or compensation shall constitute the practice of beauty culture:"
>
> "(3) To cut, clip or trim the hair in combination with a permanent wave, and at no other time."

In the same Act at page 206 thereof, we find the following:

> "Sec. 10. The following persons are exempt from the provisions of this Act while in the proper discharge of their duties:"
>
> "(4) Barbers, insofar as their usual and ordinary vocation and profession is concerned."

In the same Act we find further, on page 211:

> "Sec. 16. Each of the following constitutes a misdemeanor, punishable upon conviction by a fine of not less than twenty-five dollars and not more than two hundred dollars, to which may be added imprisonment not to exceed thirty days."

And on page 212 under section 16:

> "(6) The use of any room for beauty culture which is also used for business purposes excepting (such commodities as are pertinent to beauty culture shops)."

It is noted from the above that when reference is made to hair cutting that the same refers to the operation in combination or connection with a permanent wave and at no other time. In other words, the term is used in a restricted sense in connection with the Beauty Culture Law.

We now direct your attention to the Indiana Barber Law. This Act provides for the issuance of a license by the Barber Board, to cut hair. See Sec. 1 (3), page 373. I quote as follows:

> ". . . That 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."
>
> "(4) For any person, firm or corporation to operate a barber shop or barber school, unless it is at all times operated under the personal supervision and management of a registered barber."

Section 10, page 378 of the Acts of 1933, reads 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, 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 haircutting.*"

The 1933 Act further proceeds to fix provisions controlling and regulating the practice of barbering; to hold a license to practice barbering one must be proficient not only in haircutting, but among other things, must be able to properly handle a razor, to shave, etc. To practice as a haircutter the qualification is limited to proficiency in cutting hair.

It was not the intention of the Legislature in passing the Barber Act and also the 1935 Beauty Culture Law, to con-

fuse the beauty culturist, who has a license to cut hair, with a barber who not only has a license to cut hair, but also to shave, etc. Rather it was the intention and the purpose of the Legislature to regulate the profession of haircutting, and confine it to be done in connection or combination with permanent waving and at no other time, to grant the license to a beauty culturist to cut hair only in connection or combination with a permanent wave and at no other time. It is true and it follows from the above that if a boy desires a permanent wave he may enter and receive the services of a beauty culturist and have his hair cut or trimmed in connection or combination with this permanent wave. It is not the intention of the Legislature to permit the holder of a haircutter's license in a beauty culturist's shop to cut hair of boys in any manner or any circumstance other than as herein last above set out.

ANATOMICAL BOARD, STATE: May not release cadavers to drugless practitioners known as chiropractors. Sec. 63-603, Burns Ind. Stat. Ann., interpreted.

March 19, 1937.

Mr. B. D. Myers, Secretary,
State Anatomical Board,
Indiana University School of Medicine,
Bloomington, Indiana.

Dear Sir:

Receipt is acknowledged of your request dated March 18, 1937, pertaining to application and administration of the anatomical law, which request is as follows:

> "I have a request from one who signs himself, Dr. H. E. Vedder, and the letterhead shows him to be the president of the Lincoln Chiropractic College, 633 North Pennsylvania St., Indianapolis, Indiana. He states that he is a licensed drugless physician and asks procedure necessary to secure a cadaver.
>
> "The State Anatomical Law, approved February 25, 1903, requires (Section 3) that cadavers shall be distributed to such of the schools and colleges, physicians and surgeons entitled thereto as request in writing to receive the same.