

CHAPTER 215.

[H. B. 331.]

HAIRDRESSING AND BEAUTY CULTURE.

AN ACT relating to, and regulating the practices of hairdressing and beauty culture, and the conducting of schools for the teaching of such practices; providing for the licensing of persons to practice hairdressing and beauty culture and to conduct schools for the teaching thereof; providing penalties and repealing sections 8278-1 to 8278-19 inclusive, of Remington's Revised Statutes.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the practice of hairdressing and beauty culture for compensation, or hold himself or itself out as qualified to engage in the practice of, or solicit the practice of, hairdressing and beauty culture, or to own, manage, conduct, or give instruction in a hairdressing and beauty culture shop or school unless licensed to do so as in this act provided. License required.

SEC. 2. (a) The term "practice of hairdressing" or "hairdressing" shall mean the arranging, dressing, curling, waving, permanent waving, cleansing, bleaching or coloring of the hair of a person or doing similar work thereon, by means of the hands or by the use of any method or mechanical application or appliances; "Practice of hairdressing."

(b) The term "hairdresser" shall mean any person, firm or corporation who shall engage in the practice of hairdressing; "Hairdresser."

(c) The term "practice of beauty culture" or "beauty culture" shall mean the massaging, cleansing, stimulating, manipulating, exercising or beautifying of the scalp, face, arms, bust or upper part of the body of a person, or doing similar work thereon with the hands or with any mechanical or electrical "Practice of beauty culture."

apparatus or appliances or by the use of cosmetic preparations, antiseptic tonics, lotions, creams, similar preparations or compounds, manicuring the nails or removing superfluous hair;

"Beauty culturist."

(d) The term "beauty culturist" shall mean any person, firm or corporation who shall engage in the practice of beauty culture;

Vetoed.

(e) A "student" is any person of the age of eighteen (18) years or over receiving instruction in the practice of hairdressing and beauty culture in a school duly licensed to operate as such under this act, and who receives for the practice of hairdressing and beauty culture no salary, commission, bonus, gratuity or remuneration of any kind whatsoever;

"Operator."

(f) An "operator" is a person of the age of eighteen (18) years or over who has been licensed to practice hairdressing and beauty culture under the direct supervision and direction of a manager;

Vetoed.

(g) A "manager" is a licensed operator of the age of twenty-one (21) years or over who has been licensed by this state as an operator for not less than two (2) years, who manages or conducts a hairdressing and beauty culture shop as the employee of, or on behalf of, an owner or for his own account;

"Owner."

(h) An "owner" is any person, firm, copartnership or corporation owning a hairdressing, and beauty culture shop;

"Shop."

(i) A "shop" is any building or structure, or any part thereof, other than a school, wherein the practice of hairdressing, and beauty culture is conducted;

"School."

(j) A "school" is an institution of learning devoted exclusively to the instruction and training of students in the practice of hairdressing, and beauty culture;

"Instructor."

(k) An "instructor" is a person who gives instruction in the practice of hairdressing, and beauty culture in a school;

(1) The "director" is the state director of li- "Director."
censes.

SEC. 3. (a) No person shall be licensed as an operator unless he shall be of the age of eighteen years or over, is of good moral character and temperate habits, has a high school education, and has completed a course of training of not less than two thousand (2,000) hours in not less than twelve (12) months, and shall have been examined as here- Operator's
in provided: *Provided*, That any person, otherwise license,
qualified, who at the time the first examination is qualifications.
held after this act shall take effect, has had a contin-
uous course of study for twelve (12) months as an
apprentice to a manager licensed under this act, or
who has completed a six (6) months course of train-
ing in a beauty school licensed under this act, may
take such examination;

(b) No person shall be licensed as a manager unless he shall be of the age of twenty-one (21) years or over, nor unless he shall have the qualifica-
tions required of an operator, nor unless he shall
have been licensed by this state for at least five (5) years as an operator; } Vetoed.

(c) No person shall be licensed as an instructor unless he shall have the qualifications of an operator and shall have held a license as such for at least five (5) years, and is qualified to give instructions in each of the subjects enumerated in this act;

(d) An owner may be licensed without exami- Owner
nation, but shall not engage in the practice of hair- licensed
dressing and beauty culture unless licensed as a without
manager; examination.

(e) No person shall be licensed to conduct a school unless it shall appear to the director that such school will maintain the course of instruction herein provided; that instruction in such school shall at all times be in charge of and under the supervision of a manager; that such school will at all times main- Schools.

tain one instructor for each ten students or fraction thereof: *Provided, however,* That at no time shall a school have less than two instructors: *Provided, further,* That no school shall be licensed under this act unless it has a minimum of ten students;

Course of instruction.

(f) The courses of instruction in every school shall comprise at least the following:

1. Shampooing—soap and dry;
2. Care of the face and massaging, including make up and the care of eyebrows and lashes;
3. Care of the scalp and massaging, rinses and packs;
4. Hair coloring and bleaching;
5. Permanent waving—helical and croquignole methods;
6. Marcel waving—round, bob and paper curling;
7. Finger waving;
8. Hair fashioning;
9. Manicuring;
10. Hairdressing as it appertains to marcelling, curling, permanent waving and finger waving;
11. Electricity as applied to cosmetology, and use and application of electrical appliances;
12. The reading of law on beauty culture of the State of Washington;
13. Shop management—ownership and business ethics;

Equipment.

(g) The school shall have available for every twenty-five (25) students, subject to other requirements by the director, at least: Three (3) shampoo bowls; three (3) hair dryers; two (2) facial chairs; ten (10) curling iron heaters; one (1) sterilizer; one (1) steamer; one (1) permanent wave machine—helical wind; and one (1) permanent wave machine—croquignole wind;

Charge for student work.

(h) No charge shall be made for student work until the student has completed four hundred (400) hours of instruction and practice;

(i) No school and shop shall be maintained in the same location, nor shall there be any connecting entrance.

School and shop maintained in separate locations.

SEC. 4. Every school licensed hereunder shall, within twenty (20) days after the enrollment of any student therein, register such student with the director on such forms as the director may prescribe. Such registration shall be accompanied by a health certificate signed by a reputable physician to the effect that after a physical examination made within ten (10) days prior to the filing thereof, he has found such registrant free from any infectious or contagious disease.

Students registered with director.

SEC. 5. All licenses issued authorizing any person, firm or corporation to conduct a shop shall be issued only in the name of the person, firm or corporation owning or conducting such shop, to the name of which owner may be added the trade name, if any, under which the owner conducts such shop.

License issued in name of person owning or conducting shop.

SEC. 6. A license issued to any person to conduct a shop or school shall authorize such person to conduct only one shop or school, but any person holding a license to conduct a shop or school may apply for and receive additional licenses which shall authorize such person to conduct an additional shop or school for each such license.

Additional shop or school.

SEC. 7. All examinations for license shall be conducted by or under the director of licenses in the manner provided by law. No person shall, however, be appointed as a member of an examining committee for the purpose of conducting examinations and performing other duties imposed by this act unless he is an operator and of the age of at least twenty-five (25) years, has the qualifications of an instructor, has been a citizen of the state for at least three (3) years immediately prior to his appointment, has been engaged in actual practice as a hairdresser and

Examining committee.

beauty culturist for at least five (5) years, is not connected directly or indirectly with any school of hairdressing and beauty culture, and is not connected directly or indirectly in the business of the manufacturing, renting or selling of hairdressing or beauty culture appliances and supplies at wholesale; nor shall any person be appointed to said committee if there be then a member of said committee who is a graduate of the same school of hairdressing or beauty culture: *Provided*, That in the interest of economy, qualified examiners may be recruited in the city where such examination is to be held.

Duties of director.

SEC. 8. The director of licenses shall, in addition to other duties imposed by law, adopt rules for carrying out the provisions of this act and conducting examinations of applicants for licenses; for governing the recognition of, and the credits to be given to, the study of hairdressing and beauty culture under a hairdresser and beauty culturist or any school of hairdressing and beauty culture licensed under the laws of another state, territory or the District of Columbia, and shall, subject to the approval of the state board of health, promulgate rules for the prevention of infectious or contagious diseases in hairdressing and beauty culture shops and schools, and shall furnish to each person, firm or corporation licensed under this act a copy of such rules; shall hold examinations of all applicants for a license under this act, and grant licenses to those qualified. The director of licenses shall keep all examination papers on file for at least one year, which file shall be open to the inspection of the applicant or his agent.

Applications for licenses.

SEC. 9. Applications for licenses to be issued pursuant to the terms of this act shall be made on forms furnished by the director and shall state therein the name, age, place of residence, nationality of the applicant, his experience or training, or the time in attendance at any school, if the applicant is a gradu-

ate of any school; and such other information as the board may prescribe; said application shall be accompanied by proof of school attendance (except with an application for an owner or school license), a certificate of health signed by a reputable physician to the effect that after a physical examination made within ten (10) days prior to the filing thereof, he has found such applicant free from any infectious or contagious disease; and by the application fees provided for herein. Any person holding a license issued pursuant to the terms of the act which this repeals, may, upon the expiration thereof, have the same renewed upon compliance with the conditions, and payment of the fees, required for the renewal of licenses issued hereunder.

SEC. 10. (a) Each application for a license by an applicant who has not been previously licensed in this state shall be accompanied by the following fees: Operator, two dollars (\$2); instructor, two dollars (\$2); manager, two dollars (\$2); owner, ten dollars (\$10); school, one hundred and fifty dollars (\$150); Annual fee.

(b) The license issued hereunder shall entitle the holder thereof to exercise the rights and privileges granted thereby until the first day of July, next, following the issuance of such license, and may be renewed from year to year upon the payment on or before the first day of July of a renewal fee as follows: Operator, one dollar (\$1); instructor, two dollars (\$2); manager, two dollars (\$2); owner, five dollars (\$5); school, one hundred and fifty dollars (\$150); and, where a certificate of health is required with an application for a license, the filing of such certificate;

(c) License by reciprocity shall be twenty-five dollars (\$25).

SEC. 11. Any person whose license has expired may have the same renewed upon payment of all License renewals.

fees which the applicant would have been required to pay to keep such license in effect, and an additional fee of two dollars (\$2): *Provided*, That any person whose license has lapsed for more than three (3) years shall be reexamined as in the case of any applicant for an original license.

Examina-
tions.

SEC. 12. (a) Each applicant for a license as an operator shall be examined as to the [their] qualifications, as herein provided;

(b) Examinations for license shall be conducted four times in each calendar year by the director in the manner provided by law upon such days as may be fixed by the director;

(c) The examination shall consist of written and oral questions and answers and practical tests. Written examinations shall cover each of the branches of hairdressing and beauty culture enumerated in sections 2 and 3 hereof;

(d) Practical tests shall consist of actual demonstrations in hairdressing and beauty culture under the direction and supervision of the committee;

(e) Applicants shall also be required to pass an examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics in hairdressing and beauty culture;

(f) Passing grades for license as an operator shall be based upon the standard of one hundred per cent (100%) in each of the practices enumerated in sections 2 and 3 hereof;

(g) An applicant who shall receive a passing grade of not less than seventy-five per cent (75%) in each branch and in addition thereto shall pass the required examination in anatomy, physiology, hygiene, sanitation, sterilization and the use of antiseptics shall be entitled to a license as an operator;

(h) Any applicant who shall fail to pass the examination may take the next succeeding examination without payment of additional fee.

SEC. 13. The director shall issue to each applicant for a license, who has complied with the provisions of this act, a license which shall remain in effect until the first day of July following such issuance, unless sooner revoked or suspended.

Director
to issue
licenses.

SEC. 14. (a) Any person who has been licensed under the laws of another state, territory, or the District of Columbia may be issued a license without examination: *Provided, That,*

Licenses of
other states.

1. The license requirements of such state, territory, or the District of Columbia for an operator are substantially equal to the requirements of this act;

2. The laws of such state, territory, or the District of Columbia accord holders of operators' licenses issued under the laws of this state privileges equal to those herein granted;

3. Such person shall have passed an examination conducted under the laws of such state equivalent to the examination required by the laws of this state;

(b) The application for such license shall be accompanied by the certificate of health required by this act; by the affidavit of the applicant that the applicant has become a *bona fide* resident of this state, and that his license in such other state, territory, or the District of Columbia has not expired, been suspended or revoked. Such application shall be accompanied by the license of such state, territory, or the District of Columbia for the last two years during which the applicant held such licenses or proof satisfactory to the committee that the applicant held such licenses, which licenses or proof shall remain on file in the office of the director;

(c) All licenses issued pursuant to this section shall conform to the requirements prescribed by sections 11 and 12 hereof.

Revocation
of license,
grounds.

SEC. 15. Any license issued pursuant to this act may be revoked for any of the following causes arising after the issuance thereof:

(a) Conviction of a felony or misdemeanor involving moral turpitude, in which case the record of conviction shall be conclusive evidence;

(b) Habitual drunkenness or the use of habit forming drugs;

(c) Gross incompetency;

(d) Unfair, fraudulent, misleading or price advertising: *Provided*, That nothing in this act shall prevent the display of price lists visible only from within beauty parlors and/or schools of beauty culture;

(e) Performing work authorized by said license in an unsanitary or filthy manner;

(f) Performing the practice of hairdressing and beauty culture upon the person of another while knowingly suffering from an infectious or contagious disease;

(g) Willful violation of any of the provisions of this act;

(h) Failure to pay an operator the minimum wage required by law.

Notice.

SEC. 16. (a) Before any license shall be revoked or the penalties herein provided be imposed, the holder thereof shall have a written notice of the charge or charges brought against him, and a hearing had thereon not less than twenty (20) days after the service of such notice. Such charges shall be verified with the oath of the person making the same, and a copy thereof shall be served upon the holder of the license with a notice, which notice shall be served in the manner provided by law for service of summons in civil actions. Such hearing shall be public and the holder of such license shall be given an opportunity to produce evidence in his behalf and to confront the witnesses produced against him. The

Hearing.

hearing shall be conducted by the committee, which shall be the sole judge of the charges and the evidence produced, and the decision of any two members of the committee shall be the decision of the committee. If the charges are sustained in the judgment of the committee, the committee may direct the permanent revocation of such license, or that such holder may be barred from exercising any rights or privileges under said license for any term not exceeding one year;

Findings.

(b) Any person feeling himself aggrieved by the refusal of the director to issue any license provided for in this act, or renew the same, or by the revocation or suspension of any license issued under the provisions of this act, shall have the same right and appeal from the decision of the committee granted by Remington's Revised Statutes, section 10864.

Right of appeal.

SEC. 17. (a) No person shall engage in the practice of hairdressing, and beauty culture in any place other than a hairdressing, and beauty culture shop or school except upon a member of such person's family or upon a person whose physical condition prevents such person's presence at such shop or school;

Practice of hairdressing and beauty culture restricted to shop or school.

(b) Every school shall cause the word "school" to appear conspicuously on its literature and advertising matter, and to be painted in letters at least four (4) inches high on all doors leading to such school, which are open to the public generally;

Word "school" displayed.

(c) Every person licensed under this act shall display his license in plain, open, unobstructed view in the place where he engages in the practice for which the license was issued;

Display of license.

(d) No person shall sleep in, or use for residential purposes, any room used wholly or in part as a hairdressing, and beauty culture shop, or engage in hairdressing, and beauty culture in any room used wholly or in part for sleeping or residential pur-

Shop shall not be used for residential purposes.

poses. Every hairdressing and beauty culture shop shall maintain a separate entrance for such shop or establishment to any adjoining rooms used for sleeping or residential purposes;

Demonstrating and instructing in use of cosmetics.

(e) No person other than an operator shall in demonstrating, or instructing in the use of any cosmetics or supplies of any kind, engage in any of the acts enumerated in sections 2 and 3, with or without compensation;

Supervision of students.

(f) No student shall engage in the practice of hairdressing and beauty culture except in a school under the direct supervision of an instructor;

Owner to notify director of change of residence or business.

(g) Every owner, manager, and operator licensed under this act shall, within thirty (30) days after changing his place of residence or business as recorded upon the records of the director, notify the director in writing of his new place of residence or business;

Compliance with rules and regulations.

(h) Every student, operator, manager and instructor shall comply with the rules and regulations issued from time to time by the committee;

Violation of provisions misdemeanor.

(i) Any person who shall violate any of the provisions of this act, or who shall permit any person in his employ or under his or her supervision or control to practice hairdressing, and beauty culture without a license where one is required by this act, or who shall attempt to obtain a license by fraudulent means, shall be guilty of a misdemeanor. Each and every day on which such violation shall occur shall constitute a separate offense.

Provisions do not apply to physicians, dentists or barbers.

SEC. 18. Nothing in this act shall prohibit any person authorized under the laws of this state to practice medicine, surgery, or dentistry from engaging in the practice for which they are licensed; nor require a license under this act for any barber from performing any service for which he may be licensed; nor prohibit manicuring in barber shops; but the provisions hereof shall not be construed to au-

thorize any person other than a student or person licensed under this act to do permanent, or temporary waving of the hair. Permanent waving.

SEC. 19. Words used in this act importing the singular number may also be applied to the plural of persons and things, and words importing the plural may be likewise applied to the singular. Words importing the masculine may be applied to the feminine and words importing the feminine to the masculine. Words applying to natural persons shall apply also to firms, organizations, partnerships, associations and corporations; and words applying to such organizations shall apply to natural persons wherever the name may be necessary to effect the purpose of this act. This act shall be liberally construed to effect the intents and purposes hereof. Words and phrases.

SEC. 20. If any section or provision of this act shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of this act as a whole, or of any section, provision or part thereof not adjudged invalid or unconstitutional. Partial invalidity.

SEC. 21. That sections 8278-1 to 8278-19 inclusive, of Remington's Revised Statutes be and the same are hereby repealed. Statutes repealed.

SEC. 22. This act is necessary for the preservation of the public health and safety, and shall take effect immediately. } Vetoed.

Passed the House March 9, 1937.

Passed the Senate March 8, 1937.

Approved by the Governor March 19, 1937, with the exception of items (e) and (g) of section 2, items (b) and (c) of section 3, and section 22, which are vetoed.