

# HOUSE . . . . No. 1267

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By Mr. Markley of Springfield, petition of the Journeyman and Master Barbers State Associations for legislation to require annual registration of barber shops and to regulate further the registration of barbers and practice of barbering. Public Health.

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## The Commonwealth of Massachusetts

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In the Year One Thousand Nine Hundred and Thirty-Nine.

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AN ACT REQUIRING THE ANNUAL REGISTRATION OF BARBER SHOPS AND TO FURTHER REGULATE THE REGISTRATION OF BARBERS AND THE PRACTICE OF BARBERING.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter one hundred and twelve of  
2 the General Laws, as amended, is hereby further  
3 amended by striking out section eighty-seven H  
4 and inserting in place thereof the following:—

5 *Section 87H.* Any person desiring to obtain a  
6 certificate of registration shall make application to  
7 the board therefor, pay to the secretary thereof a  
8 fee of ten dollars and furnish to the board a certifi-  
9 cate of a registered physician as to the freedom of  
10 the applicant from infectious and contagious dis-  
11 eases, and shall present himself at the next regular  
12 meeting of the board for the examination of appli-  
13 cants, or at a later meeting of the board if it so votes,

14 and thereupon, if he shows that he has studied and  
15 practiced the occupation of barbering for two years  
16 as an apprentice under one or more registered bar-  
17 bers, or for at least six months in a properly equipped  
18 and conducted barber school or barber college under  
19 the instruction of a registered barber and eighteen  
20 months as an apprentice under a registered barber,  
21 or practiced such occupation for at least two years  
22 in this and/or other states, and that he is possessed  
23 of the requisite skill in such occupation to perform  
24 properly all the duties thereof, including the prep-  
25 aration of the tools, shaving, haircutting and all the  
26 duties and services incident thereto, and has suf-  
27 ficient knowledge concerning diseases of the face  
28 and skin to avoid the aggravation and spreading of  
29 such diseases in the practice of such occupation, the  
30 board shall issue to him a certificate of registration,  
31 signed by the chairman and the secretary and at-  
32 tested by its seal. Such certificate shall be evidence  
33 that the person to whom it is issued shall, subject  
34 to section eighty-seven J, be entitled to follow the  
35 practice of the occupation referred to therein.

36 Each such certificate of registration issued by  
37 the board shall expire on the thirty-first day of  
38 December next succeeding its date. The board may  
39 renew any such registration, and issue a certificate  
40 thereof, upon the payment of an annual renewal  
41 fee of two dollars. Any person holding such a cer-  
42 tificate which has expired may, within three years  
43 of the date of expiration, upon payment of a fee of  
44 two dollars and upon furnishing satisfactory proof  
45 of his qualifications to resume the practice of his  
46 occupation, receive from the board a new certificate  
47 of registration.

48 Any applicant failing to pass an examination  
49 satisfactory to the board shall thereafter be entitled  
50 to re-examination by payment of a fee of five dol-  
51 lars and by filing a re-examination application upon  
52 a form furnished by the board, but two re-examina-  
53 tions shall exhaust his privilege under his original  
54 application, and if he fails to apply for re-examina-  
55 tion within one year after his original examination,  
56 or to appear for re-examination when notified so to  
57 do, his re-examination privilege for such original  
58 application shall be forfeited.

59 Before any registered barber opens a barber shop,  
60 or moves his barber shop to a new location, or operates  
61 a barber shop previously approved for a prior owner,  
62 he shall apply to the board for an inspection and  
63 approval thereof, and the board shall collect a fee of  
64 five dollars for each inspection, and upon the approval  
65 of such barber shop, the board shall issue a certifi-  
66 cate of registration for such barber shop which shall  
67 without further fee be in force until the thirtieth of  
68 June of the year following the year of its issuance.  
69 All certificates of registration for barber shops shall  
70 be renewed annually upon filing applications there-  
71 for on forms supplied by the board and the pay-  
72 ment of a fee of three dollars and such renewal shall,  
73 unless cancelled, suspended or revoked, be in full  
74 force and effect until June thirtieth of the year fol-  
75 lowing its issuance.

1 SECTION 2. Owners or operators of all barber  
2 shops in operation upon the effective date of this  
3 act shall, within ninety days thereafter secure cer-  
4 tificates of registration for such barber shops by  
5 filing an application on a form issued by the board

6 and paying, except in the case of a barber shop  
7 which has already paid an inspection fee during the  
8 calendar year, a fee of three dollars; such certificate  
9 of registration shall be in force until the thirtieth of  
10 June in the year following its issuance.

1 SECTION 3. The last paragraph of section eighty-  
2 seven I of said chapter one hundred and twelve,  
3 amended by section two of chapter three hundred and  
4 fourteen of the acts of nineteen hundred and thirty-  
5 six, is hereby amended by striking out, in the fifth  
6 line, the words "fifty cents" and inserting in place  
7 thereof the words:— one dollar, — so as to read as  
8 follows:— An apprentice or a student may practice  
9 barbering under a permit, or a renewal thereof,  
10 granted under this section for a period of three years  
11 from the date of its issuance; provided, that, on or  
12 before December thirty-first in each year during  
13 said period, he pays to the board a fee of one dollar  
14 and files with it a certificate of a registered physician  
15 stating that said apprentice or student is not afflicted  
16 with any contagious or infectious disease. Upon  
17 the expiration of said period of three years such a  
18 permit may be renewed upon payment of a fee of  
19 five dollars and the filing with the board of a phy-  
20 sician's certificate as aforesaid.

1 SECTION 4. Said chapter one hundred and twelve  
2 is hereby further amended by striking out section  
3 eighty-seven L, and inserting in place thereof the  
4 following:—

5 *Section 87L.* The board may refuse to issue or  
6 renew and may suspend, revoke or cancel the cer-  
7 tificate of registration of any barber for habitual

8 drunkenness or habitual addiction to the use of  
9 habit forming drugs, for having epilepsy or other  
10 disease endangering the health or safety of persons  
11 whom he may serve, for failure to comply with sani-  
12 tary rules or regulations of the board approved by  
13 the state department of public health, for violation  
14 of any other rules or regulations of the board, for  
15 having imparted any contagious or infectious dis-  
16 ease, for gross malpractice or gross incompetency or  
17 for the violation of any provisions of sections eighty-  
18 seven F to eighty-seven R, inclusive; provided, that  
19 before any certificate shall be so suspended or re-  
20 voked, or before the board shall fail to renew the  
21 same, the holder thereof shall have had notice in  
22 writing of the charge or charges against him, and at  
23 a day specified in said notice, at least five days after  
24 the service of notice thereof, shall have been given a  
25 public hearing and an opportunity to present testi-  
26 mony in his behalf, and to confront the witnesses  
27 against him. Any person whose certificate of regis-  
28 tration has been so revoked may apply to have a  
29 new certificate of registration granted to him, and,  
30 upon satisfactory proof that the disqualification of  
31 such person has ceased, and that he is a proper  
32 person to be registered as a barber, the board shall  
33 grant to him a new certificate of registration. The  
34 board may in like manner suspend, revoke or refuse  
35 to renew a certificate of registration issued by it for  
36 a barber shop if it finds after a like hearing, notice of  
37 which shall be given in like manner to the owner or  
38 operator of such shop, that any of its rules and regu-  
39 lations have been violated in said shop, that persons  
40 unauthorized to practice the occupation of barbering  
41 have been employed therein as barbers or appren-

42 tices or that there has been a violation in said shop  
43 of any or all of the provisions of said sections eighty-  
44 seven F to eighty-seven R inclusive.

1 SECTION 5. Said chapter one hundred and twelve  
2 is hereby further amended by striking out section  
3 eighty-seven P, as amended by section three of chap-  
4 ter two hundred and sixty of the acts of nineteen hun-  
5 dred and thirty-four, and inserting in place thereof  
6 the following:—

7 *Section 87P.* Any school or college where tuition  
8 or fees are charged for teaching the occupation of  
9 barbering shall be considered a barber school or barber  
10 college under sections eighty-seven F to eighty-seven  
11 R, inclusive, and all said schools or colleges shall keep  
12 prominently displayed at the entrance a sign “Barber  
13 School” or “Barber College”, as the case may be.  
14 Any person desiring to operate or conduct a barber  
15 school or barber college within this commonwealth  
16 shall first secure from the board a permit to do so.  
17 After receipt of an application for a permit to operate  
18 a barber school or barber college, the board shall  
19 make investigation as to the reliability of the appli-  
20 cant or applicants, the qualifications of the instructors  
21 of the school or college and the equipment, appliances  
22 and sanitary conditions thereof and if these condi-  
23 tions are found to be satisfactory, and upon the pay-  
24 ment of a fee of one hundred dollars, shall grant a  
25 permit to operate or conduct a barber school or bar-  
26 ber college. Such permit shall remain in force and  
27 effect until June thirtieth of the year following the  
28 year of its issuance, and may be renewed annually  
29 by payment of a fee of twenty-five dollars. Every  
30 permittee shall keep such permit prominently dis-

31 played in such school or college, and shall before com-  
32 mencing business give to the state treasurer a bond,  
33 in such amount and with such sureties as shall be  
34 determined and approved by the governor and coun-  
35 cil, conditioned upon the faithful compliance by him-  
36 self in the conduct of said school or college with all  
37 the provisions of said sections and of all rules and  
38 regulations made under authority thereof, and to  
39 pay all judgments that may be obtained against said  
40 school or college or the owners or managers thereof  
41 on account of fraud, misrepresentation or deceit  
42 practiced by themselves, their agents, servants or  
43 employees. The board may from time to time ex-  
44 amine into the qualifications of instructors, appoint-  
45 ments, course of study and hours of study in any  
46 such school or college, and may suspend or revoke  
47 the certificate of registration of the person operating  
48 or conducting such school or college or of any regis-  
49 tered barber acting as instructor or teacher therein,  
50 or the permit of any such school or college, for the  
51 violation of any of said sections or of any rule or regu-  
52 lation made under authority thereof.

1 SECTION 6. Section eighty-seven R of said chap-  
2 ter one hundred and twelve, as amended by section  
3 five of chapter three hundred and fourteen of the  
4 acts of nineteen hundred and thirty-six, is hereby  
5 further amended by inserting the following new  
6 section: —

7 *Section 87R.* Whoever engages in or follows, or  
8 attempts to engage in or follow, the occupation of  
9 barbering, or conducts or attempts to conduct a  
10 barber school or barber college, unless so authorized  
11 to do by the board, or falsely pretends to be qualified

12 to practice such occupation, or conducts an un-  
13 registered barber shop, or whoever, in conducting  
14 a barber shop, employs any person, other than a  
15 registered barber or apprentice, to practice bar-  
16 bering therein, or whoever violates any provision of  
17 sections eighty-seven F to eighty-seven R, inclusive,  
18 or any rule or regulation made under authority  
19 thereof, shall, in addition to any other penalty  
20 prescribed or authorized by said sections, be pun-  
21 ished by a fine of not less than five nor more than  
22 one hundred dollars, or by imprisonment for not  
23 more than ninety days, or both.

1 SECTION 7. Said chapter one hundred and twelve  
2 is hereby further amended by striking out section  
3 eighty-seven Q.