AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

appropriation to aid in defraying the expenses of the observance of the seventy-fifth anniversary of the Battle of Gettysburg, to be held in Gettysburg, Pennsylvania, from June 29 to July 6, 1938", approved May 16, 1938, including the operation, maintenance, repair, rent, or, if necessary, purchase of automobiles, the reimbursement of other appropriations of the War Department for expenditures which may have been made therefrom in preparation for such celebration, and for any other contingencies and unforeseen expenses which the Secretary of War shall consider necessary and proper, there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of $900,000, to remain available until June 30, 1939: *Provided*, That the leaders and members of the Army Band may be allowed not to exceed $5 per day each for actual living expenses while on duty in connection with such celebration and the payment of such expenses shall be in addition to the pay and allowances to which they would be entitled while serving at their permanent station: *Provided further*, That the Secretary of War shall make a detailed report to Congress of the expenditures hereunder.

Ante, p. 354.

Automobiles.
Reimbursement of other appropriations.

Contingent, etc., expenses.

Availability of appropriation.
Provisos.
Army Band, allowances for living expenses.

Report of expenditures to Congress.

Approved, June 3, 1938.

[CHAPTER 321]

AN ACT

To provide for the examination and licensing of those engaging in the practice of cosmetology in the District of Columbia.

June 7, 1938
[H. R. 6869]
[Public, No. 579]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

DEFINITIONS

SECTION 1. That the following words or phrases, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this section:

District of Columbia, cosmetology.
Definitions.

(a) The word "cosmetology", as used in this Act, shall be defined and construed to mean any one or any combination of practices generally and usually, heretofore and hereafter, performed by, and known as the occupation of, beauty culturists, or cosmeticians, or cosmetologists, or hairdressers, or of any other person holding him or herself out as practicing cosmetology by whatever designation and within the meaning of this Act and in and upon whatever place or premises; and in particular "cosmetology" shall be defined and shall include, but otherwise not be limited thereby, the following or any one or a combination of practices, to wit: Arranging, dressing, styling, curling, waving, cleansing, cutting, removing, singeing, bleaching, coloring, or similar work, upon the hair of any person by any means, and with hands or mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams, massaging, cleansing, stimulating, exercising, beautifying, or similar work, the scalp, face, neck, arms, bust, or upper part of the body, or manicuring the nails of any person, exclusive of such of the foregoing practices as come within the scope of the Healing Arts Practice Act in force in the District of Columbia at the time of the passage of this Act.

"Cosmetology."

Practices included.

45 Stat. 1326.
20 D. C. Code, ch. 2.

(b) Any place or premises, or part thereof, wherein or whereupon cosmetology or any of its practices are followed or taught, or any person therein or thereabouts practicing cosmetology, whether such place is known or designated as a cosmetician, cosmetological or beauty shop, establishment, or school or whether the person is known or holds him or herself out as a cosmetician, cosmetologist, or beauty

Beauty shops, etc., subject to provisions of Act.

culturist, or by any other name or designation indicating that cosmetology is practiced or taught, shall be subject to the provision and within the meaning of this Act. For the purpose of this Act such place shall hereinafter be considered and referred to as a beauty shop or school of cosmetology, as the case may be, and the person practicing cosmetology therein, as a cosmetologist: *Provided, however*, That any appropriate name herein mentioned may be used, but shall be displayed upon or over the entrance door or doors of such place designating it as a beauty shop or school of cosmetology within the meaning of this Act.

Proviso.
Display of name upon entrance door, etc.

Apprentice or student.

(c) A person who is engaged in learning or acquiring any or all practices of cosmetology, and while so learning, performs or assists in any of the practices of cosmetology, under the immediate supervision of a registered or licensed practitioner or instructor of cosmetology, shall be known as an apprentice or student of cosmetology and hereinafter referred to as a student.

Operator.

(d) Any person, not an apprentice or a student, following or practicing cosmetology, not owning or managing a beauty shop or school of cosmetology, shall be known as an operator cosmetologist and hereinafter referred to as an operator.

Manager.

(e) Any person, being an operator, and managing, conducting, or owning a beauty shop or school of cosmetology, shall be known as a manager or managing cosmetologist and hereinafter referred to as a manager.

Instructor.

(f) Any person being an operator and teaching cosmetology or any practices thereof in a school of cosmetology shall be known as an instructor of cosmetology and hereinafter referred to as an instructor.

Manicurist.

(g) Any person who engages only in the practice of manicuring the nails of any person shall be known as and hereinafter referred to as a manicurist.

Demonstrator.

(h) The agent or employee of any manufacturer of beauty shop and cosmetological products and equipment employed by the said manufacturer for the purpose of conducting sales demonstrations, lectures, or expositions shall be known as a demonstrator and hereinafter referred to as such.

"Board."

(i) Whenever the word "Board" shall appear or be used, it shall mean and refer to the Board of Cosmetology as hereinafter provided.

Board of Cosmetology.

BOARD OF COSMETOLOGY

Creation, membership, etc.

SEC. 2. (a) There is hereby created the District of Columbia Board of Cosmetology, consisting of three members to be appointed by the Commissioners of the District of Columbia within thirty days after this Act becomes effective. Each member of the Board shall be at least twenty-five years of age, shall have had at least five years' practical experience in the practices of cosmetology, shall be a citizen of the United States, and a resident of the District of Columbia. No member of the Board shall be a member of nor affiliated with any school of cosmetology while in office, nor shall any two members of said Board be graduates of the same school.

Qualifications.

Terms.

(b) Each member of the Board shall serve a term of three years, and until his or her successor is appointed and qualified, except in the case of the first Board whose members shall serve one, two, and three years, respectively. The members of the Board shall take the oath provided for public officers. Vacancies shall be filled by the Commissioners of the District of Columbia for the unexpired portion of the term of a member caused by death, resignation, or otherwise. The said Commissioners are hereby empowered to remove, after full hearing, any member of the Board for neglect of duty or any other just cause.

Vacancies.

Removals.

(c) The members of the Board shall, annually, elect from among their number a president and also a treasurer, and shall annually appoint a secretary, who shall not be a member of the Board. The compensation of the Secretary, to be fixed by the Board, shall not exceed the sum of $3,000 per year, and shall be paid out of the funds received by it, and no part of such compensation shall be paid otherwise by the District of Columbia. Said Board shall have a common seal, and the said treasurer shall give such bond for the faithful performance of his duties as the Commissioners of the District of Columbia may deem necessary. Two members of the Board shall constitute a quorum.

Annual election of president and treasurer.

Secretary, appointment, compensation.

Seal.

Treasurer's bond.

Quorum.

(d) The Board shall meet in the District of Columbia not less than four times during the year and at such other times as the Board may deem advisable.

Meetings.

(e) The Board shall keep a record of its proceedings. It shall keep a register of applicants for certificates or licenses showing the name of the applicant, the name and location of his place of occupation or business, and whether the applicant was granted or refused a certificate or license. The books and records of the Board shall be prima-facie evidence of matters therein contained, shall constitute public records, and shall at all reasonable times be open for public inspection.

Records, etc.

REGULATION BY THE BOARD

SEC. 3. The Board is hereby empowered to make and enforce such rules and regulations, subject to the approval of the Commissioners of the District of Columbia, as it deems necessary to carry out the provisions of this Act.

Regulations.

POWERS AND DUTIES OF THE BOARD

SEC. 4. The Board shall have the power to refuse, revoke, or suspend licenses or certificates, after full hearing, on proof of violation of any provisions of this Act or the rules and regulations established by the Board under this Act, and shall have the power to require the production of such books, records, and papers as it may desire. Before any certificate shall be suspended or revoked for any of the reasons contained in this section, the holder thereof shall have notice, in writing, of the charge or charges against him or her, and shall, at a day specified in said notice, which shall be at least five days after the service thereof, be given a public hearing with a full opportunity to produce testimony in his or her behalf. Any person whose certificate of registration has been so suspended or revoked may, after the expiration of ninety days, on application to the Board, have the same reissued to him or her upon satisfactory proof that the disqualification has ceased.

Powers and duties of Board.

Suspension or revocation of certificates, procedure.

APPEAL FROM ACTION OF THE BOARD

SEC. 5. An appeal may be taken from any action of the Board to the Commissioners of the District of Columbia and the decision of the said Commissioners shall be final.

Appeal from action of Board.

PRACTICE OF COSMETOLOGY WITHOUT REGISTRATION PROHIBITED

SEC. 6. It shall be unlawful for any person in the District of Columbia to practice or teach cosmetology or manage a beauty shop, or to use or maintain any place for the practice or teaching of cosmetology for compensation, unless he or she shall have first obtained from the Board a certificate of registration as provided in this Act. Nothing contained in this Act, however, shall apply to or affect any person who is now actually engaged in any such occupation, except as hereinafter provided.

Practice of cosmetology without registration prohibited.

Exemption of those now actually engaged; exception.

REQUIREMENTS TO PRACTICE

Requirements to practice.

SEC. 7. Before any person may practice or teach cosmetology or manage a beauty shop, such person shall file with the Board a written application for registration, accompanied by a health certificate issued by a registered licensed physician of the District of Columbia, under oath, on a form which shall be prescribed and supplied by the Board, and such applicant shall submit satisfactory proof of the required age, educational qualifications, and be of good moral character, shall deposit with the said Board the registration fee, and pass an examination as to fitness to practice or teach cosmetology or manage a beauty shop, as hereinafter provided in this Act.

Registration fee; examination as to fitness.

ELIGIBILITY REQUIREMENTS FOR EXAMINATION

Eligibility requirements for examination.

SEC. 8. No person shall be permitted by the Board to take an examination to receive a certificate as an operator unless such person shall be at least sixteen years of age, of good moral character, has received an education equivalent to the completion of the eighth grade of elementary school, and either has been registered as a student and has had training, as hereinafter provided in this Act, in a school of cosmetology duly registered by the Board or has been registered and served as an apprentice at least eight months as hereinafter provided in this Act: *Provided, however*, That the Board may permit a person to take an examination without the prior studentship or apprenticeship herein required if such person shall establish, to the satisfaction of the Board, that he or she has been an operator in the active practice of cosmetology for at least twenty-four months within the five years next preceding the effective date of this Act. No person shall be permitted to take an examination for a certificate to teach cosmetology or act as manager of a beauty shop unless such person shall be at least eighteen years of age, of good moral character, has received an education equivalent to the completion of the eighth grade of elementary school, and either has had at least three years' experience as an operator in a beauty shop or has served as such operator in a registered beauty shop for a period of not less than six months and shall have a training in a registered school of cosmetology of not less than two thousand hours, including the hours of study necessary to become an operator. The sufficiency of the qualifications of applicants for admission to the examination or for registration shall be determined by the Board, but the Board may delegate the authority to determine the sufficiency of such requirements to the secretary of the Board, subject to such provisions as the Board shall make for appeal to the Board.

Student training.

Apprenticeship service.

Proviso.
Waiver provision.

Age, character, education, etc.

Determination of qualifications.

LIMITED CERTIFICATES

Limited certificates.

SEC. 9. A limited certificate of registration to manicure the nails only may be applied for and granted under all of the terms and conditions of this Act, except that the examination therefor may be limited to such practice only and the required schooling shall be not less than one hundred hours. A limited certificate of registration for any one or a combination of practices as license is applied for may be granted under all of the terms and conditions of this Act, except that the examination therefor shall be limited to the subjects in question, and a proportionate number of hours of training as determined by the Board shall be required.

REQUIREMENTS OF A SCHOOL OF COSMETOLOGY

Schools of cosmetology.
Requirements.
Personnel of staff.

SEC. 10. No school of cosmetology shall be granted a certificate of registration unless it shall attach to its staff as a consultant a person licensed by the District of Columbia to practice medicine and surgery

or osteopathy and surgery and employ and maintain a sufficient number of competent instructors, registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum which shall be as prescribed by the Board; shall keep a daily record of the attendance of each student, maintain regular class and instruction hours, establish grades, and hold examinations before issuance of diplomas; and shall require a school term of training of not less than one thousand five hundred hours within a period of not less than eight months for a complete course comprising all or the majority of the practices of cosmetology as provided in this Act; and to include practical demonstrations and theoretical studies and study in sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to cosmetology or any practice thereof, as provided in this Act. In no case shall there be less than one instructor to each twenty-five pupils. Any person, firm, or corporation teaching any or all practices of cosmetology shall be required to comply with all provisions applying to schools of cosmetology within the meaning of this Act.

Equipment.

Student regulations.

Demonstrations, studies, etc.

Compliance with provisions required.

STUDENT PRACTICE UPON THE PUBLIC FOR PAY PROHIBITED

SEC. 11. It shall be unlawful for any school of cosmetology to permit its students to practice cosmetology upon the public under any circumstances except by way of clinical work upon persons willing to submit themselves to such practice after having first been properly informed that operator is a student. No school of cosmetology shall, directly or indirectly, charge any money whatsoever for treatment by its students or for materials used in such treatment, until such student shall have at least five hundred hours of training.

Student practice upon the public for pay prohibited; exception.

Charges.

PRACTICE IN BEAUTY SHOPS ONLY

SEC. 12. It shall be unlawful for any person to practice cosmetology for pay in any place other than a registered beauty shop: *Provided*, That a registered operator may in an emergency furnish cosmetological treatments to persons in the permanent or temporary residences of such persons by appointment. Every beauty shop shall have a manager, who shall have immediate charge and supervision over the operators practicing cosmetology.

Practice in beauty shops only.

Proviso. Emergencies.

Supervision.

EXCEPTIONS TO EXAMINATION REQUIREMENTS; PRESENT STUDENTS AND APPRENTICES

SEC. 13. The Board may issue the certificate of registration required by this Act without an examination or compliance with the other requirements as to age or education to any person who has practiced or taught cosmetology or acted as a manager of a beauty shop or school of cosmetology in the District of Columbia for at least six months immediately prior to the passage of this Act: *Provided*, That such person shall make application to the Board for a certificate of registration within ninety days after the effective date of this Act. Such application shall be accompanied by an affidavit of a registered licensed physician that the applicant was examined and is free from all contagious and infectious diseases and the registration fee required by this Act. Any person studying cosmetology in a school of cosmetology or as an apprentice in a beauty shop in the District of Columbia at any time this Act goes into effect shall receive credit for such time and studies without complying with the requirements of this Act as to age and preliminary education: *Provided*, That such person shall make application to the Board for registration as a student or apprentice within three months after

Present students and apprentices.

Exceptions to examination requirements.

Provisos. Applications for certificates.

Credits for time and studies to be given.

Time limitation.

Graduates of registered schools, temporary permits.

this Act goes into effect. Students, upon graduating from registered schools of cosmetology, may apply for and receive from the Board a temporary permit to practice as an operator until the next regular examination held by the Board under the provisions of this Act.

Apprentices in beauty shops.

APPRENTICES IN BEAUTY SHOPS

Instruction by owner, etc.

Proviso.

Conditions prescribed.

SEC. 14. Any cosmetologist who is a beauty-shop owner and who is a holder of a teacher's certificate may instruct apprentices: *Provided*, That there shall be no less than three licensed operators for each apprentice in any shop and there shall be no more than two apprentices in any shop, and provided such shop is not held out as a school of cosmetology. Such apprentices may apply for examination at the end of their apprenticeship at the next regular examination held by the Board and, if successful therein, shall be registered as operators. Registered apprentices, upon completion of their required term of apprenticeship, may apply for and receive from the Board a temporary permit to practice as an operator until the next regular examination.

Demonstrators.

DEMONSTRATORS

Issuance of permits to manufacturers' agents to conduct sales demonstrations, etc.

SEC. 15. The agents or employees of manufacturers of beauty-shop and cosmetological products and equipment employed by the said manufacturers for the purpose of conducting sales demonstrations, lectures, or expositions shall be required to register with the Board within three days after such employment. The Board shall issue permits to such agents or employees for the purpose of permitting such persons to conduct sales demonstrations, lectures, and expositions of beauty-shop and cosmetological products and equipment upon the payment of the required fee: *Provided, however*, That no charge of any kind, whether for materials used or services rendered, shall be made by the manufacturer, his agent or employee, for said services rendered or said materials used in connection with or incidental to the conduct of such sales demonstration, lecture, or exposition. In the event of the termination of the employment of such agent or employee referred to in this section, the said employer herein referred to shall immediately report such fact to the Board, and the permit of such person shall thereupon be canceled and voided. No person canvassing the residents of the District of Columbia, in connection with the advertisement or sale or both of cosmetological products or equipment, shall be permitted to give practical demonstration of such products or equipment unless each such person or his agent shall first have procured from the Board a certificate of registration and a license so to demonstrate upon the payment of the required fee as hereinafter provided.

Proviso.
No charge for materials or services.

Report of termination of employment.

Demonstrations by canvassers.

Reciprocity.

RECIPROCITY

States, etc., wherein requirements are substantially equal.

SEC. 16. The Board may dispense with examinations of applicants as provided in this Act and may grant a certificate of registration as provided in this Act in all cases where such applicants have complied with the requirements of another State, territory or foreign country, state, or province, wherein the requirements for registration are substantially equal to those in force in the District of Columbia at the time of filing application for such certificate, or upon due proof that such applicant has continuously engaged in the practices or occupation for which a license is applied for at least five years immediately prior to such application and upon the payment of the required fee.

CERTIFICATES OR LICENSES

Certificates or licenses.

Issuance to applicants complying with designated requirements.

SEC. 17. If an applicant to examination to practice cosmetology passes such examination to the satisfaction of the Board, and has paid the required fee, and otherwise complies with the requirements provided in this Act, or an applicant otherwise for registration, has paid the required fee and complies with the requirements for registration as provided in this Act, the Board shall issue a certificate or license, as the case may be, to that effect, signed by the president and secretary of the Board and attested by its seal. Such certificate or license shall be evidence that the person to whom it is issued is entitled to follow the practices, occupation, or occupations as an operator, manager, or instructor, or own and maintain a beauty shop or school of cosmetology as stipulated therein and as prescribed in this Act. Such certificate or license shall be conspicuously displayed in his or her principal office, place of business, or employment.

Display.

EXAMINATIONS

Examinations.

Rules; subject matter.

SEC. 18. The examination of applicants for a license to practice under this Act shall be conducted under the rules prescribed by the Board, and shall include both practical demonstrations and written or oral tests in reference to the practices for which a license is applied for and such related studies or subjects as the Board may determine necessary for the proper and efficient performance of such practices; and shall not be confined to any specific system or method; and such examination shall be consistent with a prescribed curriculum for a beauty school or school of cosmetology and the practical and theoretical requirements of the occupation of cosmetology as provided by this Act. The Board shall hold public examinations on the second Tuesdays in January, April, July, and October in the District of Columbia, at such hours as the Board shall prescribe. The Commissioners of the District of Columbia are hereby authorized and directed to provide suitable quarters for such examinations.

Dates for holding public examinations.

FEES

Fees.

SEC. 19. The initial registration fee for the issuance of a license, with or without examination, shall be as follows: $10 for owners, managers, and instructors; $5 for operators; $3 for manicurists; and $100 for schools of cosmetology. Annual renewal fees shall be $5 for owners, managers, and instructors; $3 for operators; $2 for manicurists; and $50 for schools of cosmetology. The fee for a temporary certificate for a student or an apprentice shall be $2. For the issuance of a certificate to a sales demonstrator or lecturer or to an itinerant demonstrator, canvassing the residents of the District of Columbia, the fee shall be $5. For the issuance of a certificate without examination to operators or instructors licensed in jurisdictions meeting the requirements of the District of Columbia, or to those who furnish satisfactory proof that they have been engaged elsewhere in the occupation of cosmetology for a period of five years, the initial fee for a certificate of registration shall be $15. On failure to pass an examination the fees shall not be returned to the applicant but within the year after such failure he or she may present himself or herself and be again examined without the payment of an additional fee. Out of the fees paid the Board there shall be defrayed all expenses incurred in carrying out the provisions of this Act, together with a fee of $10 per day for each member of the Board and the actual and necessary expenses incurred for each day he may

Sales demonstrators, etc.

Operators licensed elsewhere meeting D. C. requirements.

Provisions on failing to pass examination.

Deduction for expenses.

be actually engaged upon business pertaining to his official duties as such Board member: *Provided*, That such expenses shall in no event exceed the total of receipts: *Provided further*, That at the close of each fiscal year any funds unexpended in excess of the sum of $1,000 shall be paid into the Treasury of the United States to the credit of the District of Columbia.

Provisos.
Limitation.
Deposit of excess funds.

PERSONS CALLED TO AID OF BOARD

Persons called to aid of Board.
Conducting examinations, etc.

SEC. 20. The Board may call to its aid any person or persons of established reputation and known ability in the practices as provided in this Act for the purpose of conducting examinations, inspections, and investigations of any or all persons, firms, or corporations affected by this Act. Such aid or aids shall not be connected with any school teaching cosmetology. Any person called by the Board to its aid as provided herein shall receive for his or her services not more than $10 for each day employed in the actual discharge of his or her official duties, and his or her actual and necessary expenses incurred, to be paid in the same manner as herein provided for the payment of compensation and expenses of members of the Board.

Compensation.

SANITARY RULES

Sanitary rules.
Enforcement by Health Department.

SEC. 21. The sanitary regulations for the control of beauty shops and manicuring establishments in the District of Columbia shall be such as are now in force or which may from time to time be promulgated by the Health Department of the District of Columbia, which said Department shall have full and complete charge of the enforcement of said sanitary regulations. It shall be unlawful for the owner or manager of any beauty shop or school of cosmetology to permit any person to sleep in or use for residential purposes any room used wholly or in part as a beauty shop or school of cosmetology. It shall be unlawful for any person, firm, or corporation to practice cosmetology except in a bona-fide established beauty shop or school of cosmetology, wherein the requirements of the Board as to proper, sanitary, and exclusive practices of cosmetology are complied with: *Provided, however*, That a person may practice outside of such establishment under the direction and control of an owner or manager thereof under such regulations as the Board may provide: *Provided further*, That nothing in this Act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation.

Use of shop for residential, etc., purposes forbidden.
Unlawful establishments.
Provisos.
Outside practice.
Existing sanitary, etc., rules not repealed.

HEARING MAY BE HELD BY ANY MEMBER

Hearing may be held by any member.

SEC. 22. Any investigation, inquiry, or hearing which the Board is empowered by law to hold or undertake may be held or undertaken by or before any member or members of said Board and shall be deemed to be the finding or order of said Board when approved and confirmed by it.

TEMPORARY LICENSES

Temporary licenses.

SEC. 23. The Board may issue a temporary license to any person who otherwise is subject to examination, as provided in this Act, upon documentary or other satisfactory evidence that the applicant therefor has the necessary qualifications to practice any one or any combination of practices of cosmetology for which a temporary license is applied for: *Provided, however*, That such application for a temporary license is accompanied by an application for an examination as provided in this Act and the necessary fee therefor and a fee of $2 for such temporary license. Such temporary license shall remain in force until the next regular meeting of the Board at which exami-

Proviso.
Examination, fees.
Duration.

nations are held and no longer. Two such temporary licenses may not be issued to the same person. Each temporary license shall state the date of expiration and the temporary license shall after such date be void and of no effect.

TO WHOM THE PROVISIONS OF THIS ACT SHALL NOT APPLY

Exemptions from provisions of Act.

SEC. 24. Nothing in this Act shall prohibit service in case of emergency, or domestic administration, without compensation, nor services by persons authorized under the laws of the District of Columbia to practice medicine, surgery, dentistry, chiropody, osteopathy, or chiropractic, nor services by barbers, insofar as their usual and ordinary vocation and profession is concerned, when engaged in any of the following practices, namely: Arranging, cleansing, cutting, or singeing the hair of any person; nor in massaging, cleansing, stimulating, exercising, or similar work, the scalp, face, or neck of any person, with the hands, or with mechanical or electrical apparatus or appliances, or by the use of cosmetic preparations, antiseptics, tonics, lotions, or creams; nor shall anything in this Act apply to the practice of physiotherapy or massaging, stimulating or exercising of the head, neck, arms, bust or upper part of the body, when done for purposes of health and hygiene rather than for cosmetic purposes.

RENEWAL OF CERTIFICATES

Renewal of certificates.

Expiration date.

SEC. 25. The certificates of registration issued in the year in which this Act goes into effect shall expire as of April 15, 1938. Thereafter certificates shall be issued for no longer than one year. All certificates shall expire on the 15th day of April next succeeding unless renewed for the next year. Certificates may be renewed by application made prior to the 15th day of April of each year accompanied by a health certificate in the manner prescribed in section 7 and the payment of the renewal fees provided in this Act. The holder of an expired certificate or license may have within three years of the date of expiration the certificate restored upon the payment of the required renewal fee and satisfactory proof of his or her qualifications to assume practice or occupation.

Ante, p. 614.

PENALTIES

Penalties.

Violations of provisions of Act.

SEC. 26. (a) Any person who shall violate or aid or abet in violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than $300 or imprisonment in the workhouse of the District of Columbia for not more than six months, or by both such fine and imprisonment.

Practice while suffering contagious disease.

(b) Any operator, manager, instructor, student, or apprentice who shall practice the occupation of cosmetology while knowingly suffering from contagious or infectious disease, or who shall knowingly serve any person afflicted with such disease, shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than $300 or imprisonment in the workhouse of the District of Columbia for not more than six months, or by both such fine and imprisonment.

PROSECUTIONS

Prosecutions.

SEC. 27. It shall be the duty of the corporation counsel, or one of his assistants, to prosecute in the name of the District of Columbia all violations of the provisions of this Act.

EFFECT OF PARTIAL INVALIDITY OF ACT

Separability provision.

SEC. 28. Each section of this Act, and every part of each section, is hereby declared to be independent of every other, and the holding of any section or part thereof to be void or ineffective for any cause shall not be deemed to affect any other section or part thereof.

REPEAL

Inconsistent laws repealed.

SEC. 29. All Acts or parts of Acts inconsistent with this Act are hereby repealed.

Approved, June 7, 1938.

[CHAPTER 322]

AN ACT

June 7, 1938
[H. R. 7085]
[Public, No. 580]

To regulate barbers in the District of Columbia, and for other purposes.

District of Columbia Barber Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the District of Columbia Barber Act.

Definitions.

SEC. 2. When used in this Act—

"Board."

(a) The term "Board" means the Board of Barber Examiners for the District of Columbia.

"Certificate."

(b) The term "certificate" means a certificate of registration issued by the Board.

"Commissioners."

(c) The term "Commissioners" means the Commissioners of the District of Columbia.

"Barber instructor."

(d) The term "barber instructor" means the teaching of the barber profession as provided for in this Act.

"Barbering."

(e) The term "barbering" means any one or any combination of the following practices when done upon the head and neck for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for payment either directly or indirectly or without payment for the public generally constitutes the practice of barbering within the meaning of this Act.

Practices included.

To shave, trim the beard, cut or bob the hair of any person of either sex for compensation or other reward, received by the person performing such service or any other person, to give facial and scalp massages or treatments with oils, creams, lotions, or other preparations either by hand or mechanical appliances; to singe, shampoo the hair, or apply hair tonics; or to apply cosmetic preparations, antiseptics, powders, oils, clays, or lotions to scalp, face, or neck.

Board of Barber Examiners created; number, qualifications, etc.

SEC. 3. There is hereby created a Board of Barber Examiners for the District of Columbia. The Board shall consist of three members, two of whom shall be practical barbers who have followed the practice of barbering in the District of Columbia for at least five years immediately prior to his appointment. One of said members shall be recommended by the Journeymen Barbers' Union, one of said members be recommended by the Associated Master Barbers of the District of Columbia. The members of the Board shall be appointed by the Commissioners of the District of Columbia, one for the term of one year, one for the term of two years, and one for the term of three years. Thereafter one member of said Board shall be appointed each year for the term of three years and shall hold office until his successor is appointed and qualified.

Recommendations.

Appointments; terms.

Removal power of Commissioners.

The Commissioners of the District of Columbia shall have the power to remove any member of said Board for incompetency, gross immorality, disability, for any abuse of his official power, or for