

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Inconsistent laws repealed.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 All Acts or parts of Acts inconsistent with this Act are hereby repealed.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

other good cause, and shall fill any vacancy thus occasioned by appointment within thirty days after such vacancy occurs. Members appointed to fill vacancies caused by death, resignation, or removal shall serve only for the unexpired term of their predecessors. The Commissioners shall appoint a president, a vice president, and a secretary-treasurer from the members of the Board.

The secretary of the Board shall keep a record of its proceedings, a register showing the name and business and residence addresses of persons to whom it has issued certificates, and the number and date of the certificate of each such person. Subject to the approval of the Commissioners, the Board shall adopt such rules and sanitary regulations as prescribed by the Health Department of the District of Columbia and as are necessary to carry out the provisions of this Act. The Board shall report annually to the Commissioners all of its official acts during the preceding year and shall make such recommendations as it deems expedient.

SEC. 4. The Board shall issue a certificate of registration as a registered barber to any person of good moral character and temperate habits who has practiced as a registered barber apprentice for two years under the immediate personal supervision of a registered barber, and who passes an examination, conducted by the Board to determine his fitness to practice barbering, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

SEC. 5. The Board shall issue a certificate of registration as a registered barber apprentice to any person who is at least sixteen years of age and is of good moral character and temperate habits who passes an examination conducted by the Board to determine his fitness to practice as a barber apprentice, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

SEC. 6. The Board shall conduct examinations of applicants for certificates of registration as registered barbers or registered barber apprentices on the third Tuesdays in January, April, July, and October, at such hours as the Board shall prescribe. Such examinations shall include both a practical demonstration and a written examination.

SEC. 7. Any person who has engaged in the practice of barbering in the District of Columbia for one year immediately preceding the date of enactment of this Act shall be granted a certificate as a registered barber without practical examination by making application, accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath, and paying the required fee within ninety days of enactment of this Act; failing to do so, he must take an examination according to the law; and any other person engaged in the practice of barbering in the District of Columbia on the date of enactment of this Act shall be granted a certificate as a registered barber apprentice without examination by making application and paying the required fee, and the time spent engaged in the practice of barbering shall be credited to him as a part of the time required to be spent as a registered barber apprentice for the purpose of qualifying as a registered barber, but must be accompanied by a health certificate showing that he is free from contagious and infectious diseases and issued by a registered licensed physician of the District of Columbia under oath.

Appointments to vacancies.

Officers.

Records to be kept.

Rules and sanitary regulations.

Annual report, etc.

Certificates of registration.
Registered barbers.

Health certificate.

Registered barber apprentice.

Examinations of applicants.

Exceptions to examination requirements.

Health certificate.

Payment of fee.

Registered barber apprentices.

Time credits.

Display of certificates.

SEC. 8. The certificate of a registered barber or a registered barber apprentice shall be displayed in a conspicuous place near the work chair of the holder when he is engaged in the practice of barbering.

Renewals of certificates.

SEC. 9. Certificates issued by the Board shall be renewed annually upon application to the Board by the holder of the certificate. The Board shall renew or restore certificates which have expired upon application and payment of the required fee, accompanied by a health certificate annually, showing that applicant is free from contagious and infectious diseases.

Grounds for refusal to issue, renew, etc., certificates.

SEC. 10. The Board may refuse to issue, renew, restore, or may revoke a certificate for habitual drunkenness or habitual addiction to the use of morphine, cocaine, or any other habit-forming drug or for the violation of any of the provisions of this Act, but such action may be taken by the Board only after notice, and an opportunity for a full hearing is given to the person affected thereby.

Appeal from action of Board.

An appeal may be taken from any action of the Board to the District Court of the United States for the District of Columbia. The judgment of such court shall be final, subject to review by the United States Court of Appeals for the District of Columbia.

Court review.

Fees and refunds.

SEC. 11. All fees and charges payable under the provisions of this Act shall be paid to the secretary-treasurer of the Board. The Board is hereby authorized to refund any license fee or tax, or portion thereof, erroneously paid or collected under this Act.

(a) For the examination of an applicant for a certificate as a registered barber, \$5.

(b) For the issuance or renewal of such certificate, \$5.

(c) For the restoration of an expired certificate as a registered barber, \$5.

(d) For the examination of an applicant for a certificate as a registered barber apprentice, \$5.

(e) For the issuance or renewal of such certificate, \$5.

(f) For the restoration of an expired certificate as a registered barber apprentice, \$5.

(g) \$50 for barber school or college, and \$25 annual renewal fee.

Quarters for examinations and equipment.

Compensation of members of Board; expenses.

SEC. 12. The Commissioners are authorized and directed to provide suitable quarters for examinations and equipment to the Board and for the compensation of the members of the Board at the rate of \$9 per day for the time actually and necessarily spent in their duties as such members and for the payment of expenses necessarily incurred by the Board in carrying out the provisions of this Act and are also authorized and directed to appoint a clerk and three inspectors at such salary as the Commissioners may authorize to assist the Board in carrying out the provisions of this Act; said inspectors shall be qualified barbers, each of whom shall have been engaged in the practice of barbering in the District of Columbia for a period of five years immediately prior to their appointment, and shall be appointed after a competitive examination held for said positions by the Board officer of the District of Columbia: *Provided*, That payments under this section shall not exceed the amount received from the fees provided for in this Act; and if 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: *Provided*, That no expense incurred under this Act shall be a charge against the funds of the United States or the District of Columbia.

Clerk and inspectors.

Provisos. Limitation on payments.

Deposit of excess funds.

No Federal, etc., expense.

BARBER SCHOOL OR COLLEGE REQUIREMENTS

Barber school or college requirements.

SEC. 13. No barber school or college 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 employ and maintain a sufficient number of competent barber instructors registered as such, and shall possess apparatus and equipment sufficient for the proper and full teaching of all subjects of its curriculum, shall keep a daily record of the attendance of each student, shall maintain regular class and instruction hours, shall establish grades and hold examinations before issuance of diplomas, and shall require a school term of training of not less than one thousand hours within a period of not more than eight hours a working day, two years as apprentice for a complete course of barbering, comprising all or a majority of the practices of cosmetology, as provided by this Act, and to include sanitation, sterilization, and the use of antiseptics, cosmetics, and electrical appliances consistent with the practical and theoretical requirements as applicable to barbering or any practice thereof. In no case shall there be less than one registered barber instructor to every ten students. All barber school instructors must be qualified registered barbers, excepting licensed physicians.

SEC. 14. (a) It shall be unlawful—

(1) To engage in the practice of barbering in the District of Columbia without a valid certificate as a registered barber, except that a registered barber apprentice may engage in the practice of barbering under the immediate personal supervision of a registered barber.

(2) To engage in the practice of barbering while knowingly afflicted with an infectious or communicable disease.

(3) To employ any person to engage in the practice of barbering except registered barbers and apprentices.

(4) To operate a barber shop unless it is at all times under the personal supervision of a registered barber.

(5) To obtain or attempt to obtain a certificate from the Board for money other than the required fee, or for any other thing of value or by fraudulent misrepresentations. Certificates are not transferable to another person.

(6) That hereafter in the District of Columbia it shall be unlawful for a person to maintain seven days consecutively any establishment wherein the occupation or trade of barbering, hair dressing, or beauty culture is pursued. All such establishments shall be required to remain closed one day in every seven beginning at midnight or at sunset and no person shall maintain his establishment open to serve the public on the day he has selected it to be closed and has so registered the closing day at the Health Department.

(7) To own, manage, operate, or control any barber school or college, part or portion thereof, whether connected therewith or in a separate building, wherein the practice of barbering, as hereinbefore defined, is engaged in or carried on unless all entrances to the place wherein the practice of barbering is so engaged in or carried on shall display a sign indicating that the work therein is done by students exclusively.

(b) Any person violating any of the provisions of this Act shall upon conviction be fined not less than \$25.

SEC. 15. This Act shall take effect ninety days after the date of its enactment.

EXEMPTIONS

SEC. 16. The provisions of this Act shall not be construed to apply to—

(a) Persons authorized by law of the District of Columbia to practice medicine and surgery, osteopathy, or chiropractic, or persons holding a drugless-practitioner certificate under the law of the District of Columbia;

Instructors, equipment, etc.

Student regulations.

Apprenticeship.

Practices included.

Unlawful acts.

Practice without a certificate; exception.

While knowingly afflicted with an infectious, etc., disease.

Employing any but registered barbers, etc.

Operating without proper supervision.

Bribery, etc.

Closing of shops one day in every seven.

Barber schools. Signs to indicate work is done by students.

Penalty for violation of provisions.

Effective date.

Exemptions.

Persons authorized to practice medicine, etc.

Commissioned medical or surgical officers.

Registered nurses.

Beauty parlor employees.

Undertakers, etc.

Persons practicing physiotherapy, etc.

Constitutionality.

Separability provision.

Repeal of other laws.

47 Stat. 750.

Proviso.
Existing sanitary, etc., rules not repealed.

Purpose of Act.

June 7, 1938
[H. J. Res. 687]
[Pub. Res., No. 104]

District of Columbia Revenue Act of 1937, amendment.
Ante, p. 368.

Business privilege taxes.

Credit allowed for taxes paid on certain tangible personal property.

(b) Commissioned medical or surgical officers of the United States Army, Navy, or Marine hospital service;

(c) Registered nurses;

(d) Persons employed in beauty parlors; however, the provisions of this section shall not be construed to authorize any of the persons exempted to shave or trim the beard, or cut the hair of any person for cosmetic purposes, except that person included in the subdivision (d) hereof shall be allowed to cut the hair; or

(e) Undertakers and embalmers.

(f) Persons engaged in 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.

CONSTITUTIONALITY

SEC. 17. Each section, subsection, sentence, clause, and phrase of this Act is declared to be an independent section, subsection, sentence, clause, and phrase; and the finding or holding of any section, subsection, sentence, phrase, or clause to be unconstitutional, void, or ineffective for any cause shall not affect any other section, subsection, sentence, or part thereof.

REPEAL OF OTHER LAWS

SEC. 18. The Act of Congress of December 19, 1932, and all laws or portions of laws inconsistent with this Act are hereby repealed: *Provided*, That nothing in this Act contained shall be construed to limit or repeal any existing rules, regulations, or laws relating to health or sanitation.

SEC. 19. The purpose of this Act shall be to prevent the spreading of diseases and promote the general health of the public by promoting sanitary conditions in barber shops and barber schools or colleges in the practice of barbering.

Approved, June 7, 1938.

[CHAPTER 323]

JOINT RESOLUTION

To amend title VI of the District of Columbia Revenue Act of 1937.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) of section 7 of title 6 of the District of Columbia Revenue Act of 1937, as amended, is amended to read as follows:

“(b) Any tax on tangible personal property (other than motor vehicles) levied against and paid by the taxpayer to the District, within the time prescribed by law for the payment of such tax by the taxpayer, shall be allowed as a credit against the tax imposed by this title for the taxable year in which such tax on tangible personal property is paid.”

Approved, June 7, 1938.