



Louisiana Barber Law

State of Louisiana Board of Barber Examiners

4626 Jamestown Avenue, Suite 1
P.O. Box 14029
Baton Rouge, Louisiana 70898-4029

Phone: (225) 925-1701
Fax: (225) 925-1703

Website: www.barbercosmos.com

E-mail: info@barbercosmos.com

CHAPTER 5. BARBERS

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"R.S. 37:345(A), 346, 367, and 375(A) and (D), to enact R.S. 37:363(7), and to repeal R.S. 3754(C), relative to barbers; to provide for compensation for board members; to provide the qualifications of inspectors; to require continuing education for instructors; to provide for fees; to provide for the issuance of certain certificates of registration;"

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RS 37:341

§341. Board of Barber Examiners.

(Text of Section as amended by Acts 1984, No. 399, Section 1.)

- A. (1) The board of Barber Examiners, hereinafter referred to as the board, is hereby created. The board shall consist of five members appointed by the governor, each of whom shall be a practical barber who has followed the occupation of barbering in his state for five years continuously and in his district for two years prior to his appointment.
- (2) One member shall be appointed from each public service commission district in the following manner:
 - (a) The Louisiana State Association of Journeymen Barbers, Hair Dressers, Cosmetologists and Proprietors shall submit to the governor a list of three names for each vacancy that may exist on the board, one of whom shall be a member of a racial minority and a member of the nominating organization.
 - (b) When more than one vacancy exists at the same time, the name of any person may not appear on more than one list.
 - (c) Upon receipt of the lists, the governor shall select and appoint one member.
 - B. Each appointment by the governor shall be submitted to the Senate for conformation.
 - C. The governor shall designate one member to serve as chairman of the board.
 - D. The members of the board shall serve staggered terms of six years. However, no member shall serve more than two consecutive terms.
 - E. A vacancy occurring on the board for any reason shall be filled in the same manner as the original appointment was made.
 - F. The tenure of the members of the Board of Barber Examiners in office on July 1, 1995 shall terminate as follows:
 - (1) The service of the member with the most years of tenure on the board shall terminate on August 1, 1995.
 - (2) The service of the member with the second most years of tenure on the board shall terminate on August 1, 1996.

(3) The service of the member with the third most years of tenure on the board shall terminate on August 1, 1997.

(4) The service of the member with the second fewest years of tenure on the board shall terminate on August 1, 1998.

(5) The service of the member with the fewest years of tenure on the board shall terminate on August 1, 1999.

Successors to the members of the Board of Barber Examiners in office on July 1, 1995, shall be appointed by the governor in the manner provided in R.S. 37:341.

Section 3. This act shall become effective on July 1, 1995; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 1995, or on the day following such approval by the legislature, whichever is later.

§342. Officers of board.

The board shall elect a president and a vice-president.

§343. Seal of the board.

The board shall adopt and use a common seal for the authentication of its orders and records.

§344. Quorum

A majority of the board duly assembled in meeting constitutes a quorum for the transaction of all business.

§345. Compensation and expenses of board.

A. The members of the board appointed pursuant to R.S. 37:341 shall receive compensation fixed by the board at not more than one hundred twenty-five dollars per day for each day in attendance upon its sessions and for necessary subsistence, hotel expenses, and travel expenses, covering travel from their domiciles to the place of meeting and return as set by regulation by the division of administration for executive branch agencies.

(2) The members of the board appointed pursuant to R.S. 37:341 (B)(2) shall not receive compensation unless and until sufficient revenues are generated from fees established by the board on the effective date of this Paragraph to pay for all

operational expenses of the board and to compensate the members at the same rate as received by the members of the board as provided in R.S. 37:345 (A)(1).

B. Board members shall be paid only actual expenses in the discharge of their duties. They shall give a correct itemized statement of their expenses.

C. The board shall be furnished suitable quarters.

§346. Employment of assistants; qualifications.

The board may employ inspectors, instructors and such other assistants as are necessary to carry out the provisions of this Chapter subject to any civil service law in effect. All inspectors shall be barbers who have had at least two years experience in this state. The board may employ an attorney to represent its functions pursuant to this Chapter.

§347. Salaries and expenses; how payable.

All salaries, per diem and expenses due or incurred by the board shall be paid by vouchers drawn by the secretary. All such vouchers are payable only out of the barbers' board fund provided for in R.S. 37:376.

§348. Practice of barbering defined.

Any one of the following practices or any combination thereof when done upon the human body above the seventh cervical vertebra for cosmetic purposes and not for the treatment of disease or physical or mental ailments and when done for direct or indirect payment or without payment for the public generally constitutes the practice of barbering:

(1) Shaving or trimming the beard or cutting the hair.

(2) Giving facial and scalp massages by applying oils, creams, lotion or other cosmetic materials, either by hand or mechanical appliances.

(3) Singeing, shampooing or dyeing the hair or applying hair tonic.

(4) Applying cosmetic preparations, antiseptics, powder, oils, clays or lotions.

§349. Certificate of registration required for barbers; students

excepted; apprenticeship certificates.

A. No person shall practice or attempt to practice barbering without a certificate of registration as a registered barber issued by the board.

B. Students in certificated barber colleges may perform acts included in the practice of barbering but only as clinical training and only on persons who have consented thereto after they have been specifically advised in advance that the operator is not a registered barber but only a student in training.

C. The board is authorized to adopt rules to allow a barber college to charge or to accept directly or indirectly any money whatsoever for such clinical practice by the student or for materials used therein whether the money is considered payment for services or start materials as a gratuity.

D. A person participating in the Barber Apprenticeship Program registered with the Apprenticeship Council of the Louisiana Department of Labor may perform acts included in the practice of barbering if he holds an Apprenticeship certificate issued by the board. The board shall issue an apprenticeship certificate to an applicant upon submission of an application accompanied by proof of his participation in such program and payment of the appropriate apprenticeship certificate fee.

§350. Persons exempt.

A. The following persons are exempt from the provisions of this Chapter while in the proper discharge of their professional duties:

(1) Persons authorized by law to practice medicine or surgery.

(2) Commissioned medical or surgical officers of the United States Army, Navy or Marine Hospital Service.

(3) Registered nurses.

(4) Persons authorized by law to practice cosmetic therapy or beauty culture.

B. The provisions of this Section shall not authorize any of the above exempted persons to shave or trim the beard or cut the hair of any person for cosmetic purposes.

§351. Employment of barbers.

No person shall permit any person in his employ or under his supervision or control to practice as a barber unless the latter person has a certificate of registration as a registered barber, an apprenticeship certificate, or a certificate of registration as a cosmetologist issued by the Louisiana State Board of Cosmetology, or holds a valid permit from the Board of Barber Examiners issued pursuant to R.S. 37:368.

§352. Operation of barber shop; advertising; barber poles.

A. No person shall operate a barbershop unless it is at all times under the direct supervision and management of a registered barber who is engaged in barbering full-time in the same shop.

B. No person shall advertise barbering services unless the establishment and the personnel employed in such establishment are registered pursuant to this Chapter.

C. No person shall use or display a barber pole for the purpose of offering barber services to the consuming public without a barber shop registration issued pursuant to this Chapter. For purposes of this Subsection, "barber pole" means a cylinder or pole with alternating stripes of any combination, including but not limited to red and white or red, white and blue, which run diagonally along the length of the cylinder or pole.

§353. Registration of barber shops; inspection; fees.

A. (1) The owner or manager of a new barbershop shall give the board at least 30 days written notice before the initial opening of the barbershop.

(2) The board or its agents or employees shall inspect the barbershop.

(3) If it is a new shop, it shall not open to the public until the inspection has taken place and the shop has been approved as complying with all existing laws.

(4) If it is an operating shop, the change of ownership or management shall not be effected until the inspection provided for has taken place and the shop has been approved as complying with all existing laws.

(5) A fee set by R.S. 37:375 shall be charged for this inspection.

(6) An additional fee set by R.S. 37:375 shall be paid as

penalty for failure to comply with this Subsection.

B. (1) If a shop that has been in operation moves to a new location, the owner shall be required to have the same inspection as a new shop.

(2) When a new owner assumes operation of a shop already in operation, the owner shall be required to have the same inspection as a new shop.

(3) A fee set by R.S. 37:375 shall be charged for this inspection.

(4) An additional fee set by R.S. 37:375 shall be paid as penalty for failure to comply with this Subsection.

§354. Qualifications for certificate to practice barbering.

A. Any person shall be qualified to receive a certificate of registration to practice barbering if he complies with each of the following:

(1) Is at least eighteen years of age.

(2) Is of good moral character and temperate habits.

(3) Passes satisfactorily an examination conducted by the board to determine his fitness to practice barbering.

(4) Has met one of the following requirements:

(a) Successful completion of a course of instruction and receipt of a certificate of graduation from a barber college approved by the Louisiana State Board of Barber Examiners.

(b) Holding a current certificate of registration as a cosmetologist issued by the Louisiana State Board of Cosmetology.

(c) Successful completion of the Barber Apprenticeship Program registered with the Apprenticeship Council of the Louisiana Department of Labor.

B. Any applicant for a certificate of registration who fails to satisfactorily pass an examination conducted by the board may continue to appear before the board for examination every three months thereafter until he has passed a satisfactory examination conducted by the board to determine his fitness to receive his certificate of registration to practice as a barber.

C. Notwithstanding the requirements hereinabove set forth, any person who has practiced barbering for twenty-five years shall be permitted to receive a certificate of registration upon

compliance with requirements of R.S. 37:354(A)(1) through (3) and without necessity of compliance with requirements of R.S. 37:354(A)(4).

§355. Barber college defined.

As used in this Chapter, "barber college" shall include a school of barbering, college of barbering, barber school, barber college, and any other place or institution for the instruction or training of persons to engage in the practice of barbering.

§356. Certificate of registration for barber college required

A. No person shall operate a barber college unless he holds a certificate of registration in good standing theretofore issued by the board and unless such certificate is displayed at all times in a conspicuous place on the premises.

B. The board shall issue a certificate of registration for each college that complies with this Chapter and the regulations of the board.

§357. Application for barber college certificate; board hearings; inspection

A. An applicant for a certificate of registration to operate a barber college shall file an application with the board in such form as the board may prescribe accompanied by the fee required by this Chapter. Upon receipt of the application, the board shall require the applicant, if an individual, or a member, partner or officer thereof if the applicant is a firm, partnership, or corporation to appear personally before the board and submit information in such form as the board may by regulation prescribe showing the following:

(1) The location of the proposed college and its physical facilities and equipment.

(2) The proposed maximum number of students to be trained at one time and the number of instructors to be provided.

(3) The nature and terms of the applicant's right of possession of the proposed premises whether by lease, ownership or otherwise.

(4) The financial ability of the applicant to operate the college in accordance with the requirements of this Chapter and the regulations of the board.

(5) Such other information as the board considers necessary.

B. Prior to the issuance of the certificate, the board or its representative shall inspect the college and shall determine that it complies with this Chapter and the regulations of the board. Before making such inspection, the board may require the applicant to furnish such evidence as is necessary to show compliance with any local laws governing the operation of barber colleges in the particular locality in which the college is to be located.

§358. Students ages,

Barber colleges shall not admit as students persons under the age of 17 years.

§359. Separate barber college locations; facilities in same central area as college.

A. For the purposes of this Chapter and the regulations of the board, each separate location at which the practice of barbering or any part thereof is taught shall be considered to be a separate college, and a separate certificate shall be required for each.

(1) However, facilities at which the practice of barbering or any part thereof is taught that are operated or maintained by a college in the same central area as the main establishment of the college shall not be deemed for the purposes of this Chapter to be a separate college.

(2) No such facility shall be operated or maintained by a college until and unless each such facility has been inspected and approved by the board in the same manner as is required before a certificate to operate a college may be issued, the fee prescribed by this Chapter paid, and a certificate to operate and maintain the particular facility is issued by the board.

(3) All other provisions of this Chapter governing the operation and maintenance of colleges except as expressly otherwise provided shall apply to each such facility as if the facility were a separate college but in no case shall a student who has filed an application for enrollment or attendance at a college be required to file another application to attend any facility of such college.

§360. Proof that an establishment of new barber college will not be detrimental to the public welfare; necessity; factors.

A. Every applicant for a certificate of registration to operate a new barber college shall offer proof sufficient to the board that the establishment of a new barber college in a particular area will not be detrimental to the public welfare.

B. In considering whether the establishment of a new barber college in a particular area will be detrimental to the public welfare, the board shall consider the need for barber college facilities or additional barber college facilities as the case may be in the community where the proposed barber college is to be located giving particular consideration to:

(1) The economic character of the community.

(2) The adequacy of existing barber shops and barber colleges in that community.

(3) The ability of the community to support the proposed barber college.

(4) The character of the adjacent communities and the extent to which the establishment of the proposed barber college would draw patrons from such adjacent communities.

(5) The social and economic effect of the establishment of a barber college on the community where it is proposed to be located and on the adjacent communities.

(6) The expressed opinion of the registered barbers in the area of the proposed college as evidenced in person or by written petition to the board.

§361. Qualifications of college; entrance requirements and curriculum; sign.

A. The board shall not approve any barber college unless it requires a prerequisite to admission graduation from high school or its equivalent thereof in education as determined by an examination conducted by the board and approved by the vocational educational office of the State Department of Education and unless it requires as a prerequisite to graduation a course or instruction of not less than fifteen hundred hours completed within nine months with no more than eight hours to any one work day, subject to the board's authority to determine by regulation the days and hours of school within these limits.

B. The course of instruction shall include the following subjects:

(1) Scientific fundamentals of barbering, hygiene, and bacteriology;

(2) History of the hair, skin, muscles, and nerves;

(3) Structure of the head, face, and neck;

(4) Elementary chemistry as it relates to sterilization and asepsis;

(5) Diseases of the skin and hair glands;

(6) The massaging and manipulating of the muscles of the body above the seventh cervical vertebra;

(7) Hair cutting and shaving; and

(8) The arranging, dressing, coloring, bleaching, and tinting of the hair.

C. Every barber college must maintain a sign in front of its premises reading "Barber College Only".

§362. Instructors; certificate of registration required.

No person shall act as an instructor at a barber college and no barber college or owner or operator thereof shall hire or permit any person to act as an instructor at the barber college unless he has a current and valid certificate of registration as an instructor issued by the board.

§363. Instructor's certificates; application; qualifications.

The board shall issue a certificate of registration as an instructor in a barber college to a person who complies with the following:

(1) Files an application with the board in such a form as it may prescribe accompanied by the required fee.

(2) Is of good moral character and temperate habits.

(3) Holds a diploma evidencing successful completion of high school or has the equivalent education as determined by an examination conducted by the board and approved by the vocational education office of the Department of Education.

(4) Has held a valid certificate of registration as a barber in Louisiana and has practiced barbering in Louisiana for at least the last two years before issuance of the instructor's certificate.

(5) Has graduated from a barber college in a course embracing all the theory and scientific manipulation taught in

barber schools.

(6) Passes satisfactorily an examination conducted by the board to determine the fitness to be an instructor.

(7) Attends, annually, sixteen hours of continuing education, eight of which must be through attendance of the Barber Board education workshop, the remaining through any board approved continuing education program.

§364. Extension of time for completing course of instruction; application.

A. The board in its discretion may extend for a reasonable period the time within which any course of instruction shall be completed by any student upon the showing of good cause that shall include but is not limited to:

(1) Interruptions in completing the course of instruction caused by an illness of or accident to the student;

(2) Enrollment and attendance in any secondary school or institute of higher learning; or

(3) Service in the armed forces of the United States.

B. Application for an extension of time pursuant to this Section shall be made to the board in writing.

§365. Applications for examination.

Each application for examination shall:

(1) Apply to the board on blank forms prepared and furnished by the board. This application shall contain proof, under the applicant's oath, of the particular qualifications set forth in the application.

(2) Furnish to the board two five-by-three inch signed photographs of the applicant, one to accompany the application and one to be returned to the applicant and to be presented to the board when he appears for examination.

(3) Pay the board the fee provided in R.S. 37:375.

§366. Examination of applicants; notice.

A. (1) Every three months the board shall conduct an examination of:

(a) Applicants for certificates of registration to practice as registered barbers.

(b) Applicants for certificates of registration as instructors; and

(c) Applicants to enter an approved barber college to determine their educational qualifications.

(2) Notice of such examinations and the times and places thereof shall be given by mail to each applicant.

B. The examination of applicants for certificates of registration as registered barbers and as instructors shall include both a practical demonstration and a written and oral test and shall embrace the subjects usually taught in colleges of barbering approved by the board.

§367. Issuance of certificate of registration.

When the provisions of the Chapter have been complied with, the board shall issue a certificate of registration as a registered barber or as an instructor as the case may be. Each member of the board shall sign every certificate.

§368. Permits for barbers pending examination.

Any person who holds a valid current license in the practice of barbering issued by any state of the United States or any foreign country may be issued a temporary permit to engage in the practice of barbering in this state pending examination by the board upon payment of the permit fee set by the board.

§369. Out-of-state registered barbers; qualifications for examination; reciprocity.

A. Any person possessed of the following qualifications other than a barber who is covered by reciprocity as provided for in Subsection B of this Section upon payment of the fee provided in R.S. 37:375 and upon his application shall be examined by the board to determine his qualifications to receive a certificate of registration to practice barbering in Louisiana:

(1) Be at least eighteen years old.

(2) Be of good moral character and temperate habits.

(3) Have a diploma showing graduation from high school or have an equivalent education as determined by an examination conducted by the board.

(4) Proves to the board's satisfaction by sworn affidavits or

otherwise that he has practiced as a licensed barber in another state or country immediately prior to making application in this state.

B. (1) A person currently holding a license to engage in barbering issued to him by a proper authority of a state, territory, or possession of the United States of America or the District of Columbia and who in the opinion of the board otherwise meets the requirements of this Chapter upon application may be licensed without further examination if the person holds a certificate issued by a state, territory, or possession of the United States of America or the District of Columbia that has requirements for the certificate that are equivalent to or exceed the requirements of this state and that has similar reciprocal provisions of holders of certificates issued by this state.

(2) The applicant shall submit an application to the board on a form prescribed by the board.

(3) A current Louisiana certificate shall be issued to the applicant on compliance with this Subsection and the payment of the applicable certification fee as determined by the board.

(4) A certificate granted under this Subsection shall allow the holder to engage in the practice of barbering for compensation.

(5) The holder of this certificate is subject to the renewal procedures and fees prescribed by this Chapter.

§370. Display of certificate of registration

Every holder of a certificate of registration shall display the certificate in a conspicuous place adjacent to or near his work chair in his place of employment.

§371. Expiration of certificates; renewals

A. (1) All certificates of registration expire at midnight on January 31 of each year and shall be renewed on or prior to that date. Certificate holders may renew their certificates by applying to the board for renewal and paying the fee prescribed in R.S. 37:375 provided there exists no reason to refuse renewal as provided in R.S. 37:372.

(2) Certificates of registration, except those for barber colleges, that have expired less than five years may be renewed on application and the payment of the restoration fee prescribed in R.S. 37:375 provided there exists no reason to refuse renewal as

provided in R.S. 37:372.

(3) Certificates of registration for barber colleges that have expired less than one year may be renewed on application and the payment of the restoration fee prescribed in R.S. 37:375 provided there exists no reason to refuse renewal as provided in R.S. 37:372.

(4) If an expired certificate is not renewed within the time limit set out herein, it shall not thereafter be renewed, restored, reissued, or reinstated. Its holder shall become entitled to a new certificate only upon compliance with all the provisions of this Chapter relating to the original issuance of such certificate.

(5) Any renewals after this date but before March 31 shall be assessed an additional fee set by R.S. 37:375, and any renewals paid after march 31 shall be assessed a different fee as set by R.S. 37:375.

B. At least every five years on filing such renewal application, every barber and instructor shall attach thereto two new five-by-three inch photographs of himself taken within ten days of the date they are submitted to the board and signed by the applicant. One of these photographs shall be retained by the board. The board shall attach the other photograph to his certificate and return it to the licensee.

C. Instructors shall always maintain current barber certificates to keep or renew their certificates.

§372. Grounds for refusing, suspending, or revoking certificates.

The board may refuse to issue, renew, suspend, or revoke any certificate of registration for any one or any combination of the following causes:

(1) Conviction of a felony evidenced by a certified copy of the court record.

(2) Gross malpractice or gross incompetency.

(3) Continued practice or operation under any certificate by a person having an infectious or contagious disease.

(4) Advertising by means of false or deceptive statements.

(5) Advertising, practicing, or attempting to practice under a name other than one's own name or trade name.

(6) Habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs.

(7) Immoral or unethical conduct.

(8) Practicing or attempting to practice or operate as a purported licensee by fraudulent misrepresentation as to possession of proper certificates.

(9) Failure to comply with the qualifications required herein, or the violation of any of the provisions of this Chapter.

(10) Proof that the applicant has been practicing barbering without a license.

(11) Proof that the applicant has been practicing barbering in an unapproved location.

§373. Notice of charges; hearing; subpoena; witnesses and evidence

A. The board shall not refuse to issue, renew, suspend or revoke any certificate of registration for any cause unless the person accused has been given at least twenty days notice of the charges submitted against him in writing and has been accorded a public hearing by the board.

B. At this hearing, the board may administer oaths and procure by subpoena the attendance of witnesses and the production of relevant books and papers. Upon application by either the accused or the board, any district court by order duly entered, may require the attendance of witnesses and the production of relevant books and papers before the board in any hearing relating to the refusal, suspension, or revocation of certificates of registration.

§374. Record of proceedings

The secretary of the board shall keep a record of all the proceedings of the board. The records relating to the issuance, refusal, renewal, suspension, and revocation of certificates of registration shall contain the name, place of business, and residence of each barber and barber college and the date and number of his or its certificate of registration.

§375. Fees

A. The fees to be paid for services rendered under the provisions of this Chapter shall be as follows:

(1) For an examination to determine the qualifications of an applicant from another state or country to receive a certificate of registration to practice barbering\$80.00

- (2) For an examination to determine qualifications of an applicant from this state to receive a certificate of registration to practice barbering.....\$40.00
- (3) For an examination to determine the qualifications of an applicant to receive a certificate of registration as an instructor.....\$40.00
- (4) For the issuance of the initial certificate to operate a barber college\$350.00
- (5) For each annual renewal of a barber's certificate ...\$50.00
- (6) For each issuance or annual renewal of an instructor's certificate\$70.00
- (7) For the restoration of any expired instructor certificate (plus \$10.00 for each year the certificate has been expired)\$70.00
- (8) For each annual renewal of a certificate to operate a barber college\$80.00
- (9) For the restoration of an expired journeyman's certificate (plus \$60.00 for each year the certificate has been expired)
- (10) For the restoration of an expired certificate for a barber college\$50.00
- (11) For the issuance of any duplicate certificate\$5.00
- (12) For shop inspection\$30.00
- (13) For noncompliance penalty for shop inspection ...\$30.00
- (14) For new shop location inspection\$30.00
- (15) For noncompliance penalty for new shop inspection.....\$30.00
- (16) For late renewal of barber's certificate, prior to April 1.....\$60.00
- (17) For late renewal of barber's certificate on or after April 1\$110.00
- (18) For late renewal of barber's college's certificate prior to April 1\$100.00
- (19) For late renewal of barber college's certificate on or after April 1\$160.00
- (20) For the annual renewal of all barber shop registrations\$30.00
- (21) For each issuance or annual renewal of an apprenticeship certificate\$50.00
- (22) For late renewal of an apprenticeship certificate prior to

April 1\$60.00

(23) For late renewal of an apprenticeship certificate after April 1\$110.00

B. The board shall waive the initial examination fee provided in Subsection A of this Section for a graduate of a Louisiana barber college who holds a certificate of registered student.

C. The fee to retake any examination shall be the same as the fee for the initial examination.

D. The annual registration renewal fee provided in Subsection A of this Section shall be due and payable no later than January thirty-first of each year: If payment is received after January thirty-first, but before March thirty-first, there shall be an additional charge of ten dollars. If payment is received after March thirty-first, there shall be an additional charge of twenty dollars.

§376. Barber Examiners Board Fund.

The secretary shall deposit all fees collected under the provisions of this Chapter into the state treasury on or before the twenty-fifth day of the month following their collection and, in accordance with Article VII, Section 9 of the Constitution of Louisiana, the fees shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated therefrom to pay all obligations secured by the full faith and credit of the state which become due and payable within each fiscal year, the treasurer shall pay an amount equal to the total amount of such fees paid into the treasury into a special fund which is hereby created in the state treasury and designated as the Barber Examiners Board Fund. In addition, all other money made available for use as provided in this Chapter shall be credited to this fund.

§377. Report to Governor.

The board shall submit annually to the governor and the legislature a full statement of its work during the year together with any recommendations it thinks necessary and proper.

§378. Obtaining certificate by fraud.

No person shall obtain or attempt to obtain a certificate of registration for money other than the required fee or for any other thing of value or by fraudulent misrepresentation.

§379. Using barber shop for residence or other business.

No person shall use any room or place for barbering that is also used for residential or other business purposes, except for the sale of hair tonics, lotions, creams, cutlery, toilet articles, cigars and tobacco, unless a substantial portion of ceiling height separates the portion used for residential or for business purposes.

§380. Rules of operation of shops and schools

The following requirements of operation shall be observed:

(1) Water. All barber shops, schools, or colleges shall be supplied with an adequate potable supply of both hot and cold running water. Water shall be supplied by the city system; if there is no city supply, water shall be supplied from a tank or similar gravity pressure container.

(2) Flow of blood. Alum or any other material used to stop the flow of blood shall be used only in liquid or powder form. The use of the common styptic pencil and lump alum is prohibited.

(3) Headrest. The headrest of every barber chair shall be protected with fresh clean paper before it is used for any person.

(4) Shop conditions. The floor and walls of all barber shops and schools shall be kept clean. Hair shall be swept from the floor. All towels and paper jars shall be kept clean and sanitary. All barber shops shall be well-screened and supplied with sanitary drinking facilities.

(5) Instruments. All tools and instruments such as razors, tweezers, contact cup, or pad of vibrating or massage machine, combs and shears, or other tools or instruments used in a barber shop, school, or college shall be sterilized and kept in a sanitary cabinet with a solution approved by the state health officer.

(a) All clippers, both hand and electric, shall be sterilized and kept thoroughly clean at all times.

(b) Hair brushes in barber shops are prohibited except those with perforated backs used in giving shampoos, and these shall be kept clean and sanitary and in sanitary cabinets at all times when not in use.

(c) If a neck duster is used in the barber shop, each barber must have two or more neck duster that shall be sterilized each day in a solution approved by the state health officer. They

shall at all times be kept clean and sanitary and in the cabinet sterilizer when not in use. Sterilization shall be accomplished after each use and before the tool or instrument is reused except where otherwise provided.

(6) Dipping. Dipping towels, shaving mugs, and other objects as determined by the board into water containers is prohibited.

(7) Towels. No towel that has been used on a patron shall be used on another patron until it has been laundered. This shall apply to every kind of towel or washcloth. Whenever haircloth is used in cutting the hair, shampooing, or other barbering, a newly laundered towel or other protection shall be placed around the neck so as to prevent the haircloth from touching the skin.

(8) Disinfecting. Before serving each customer, each barber shall disinfect his hands thoroughly by immersing them in a disinfecting solution approved by the state health officer.

(9) Sterilization. All tools or instruments used in a barber shop, school, or college shall be sterilized by immersion in any recognized disinfecting solution such as five percent solution of carbolic acid, ten percent solution of aerosol or by being immersed in a disinfecting solution and then placed in an air-tight sterilized cabinet in which there is a tray filled with a fume disinfectant that penetrates and sterilizes.

§381. Powers of the board; rules and regulations.

The board shall act as a control board for the purpose of administering this Chapter. It shall have any powers necessary for the purpose of administering and enforcing this Chapter. Generally, the board shall have the authority to do the following:

(1) Make reasonable rules and regulations for the administration and enforcement of the provisions of this Chapter.

(2) Prescribe sanitary requirements for barber shops and schools subject to the approval of the state health officer. A copy of these sanitary requirements shall be furnished by the board to the owner or manager of each barber shop or barber school and shall be posted in a conspicuous place herein.

(3) Supervise, investigate, and regulate the barbering industry of the state.

(4) Subpoena barbers, and other persons from whom

information may be desired to carry out the purpose and intent of this Chapter, administer oaths, and issue commissions to take depositions of witnesses absent from the state. Any member of the board or any designated employee may sign and issue subpoenas and may administer oaths to witnesses.

(5) Act as mediator or arbitrator in any controversy or issue that may arise in or among barbers individually or as groups.

§382. Rules and orders; posting and service.

A. Rules and regulations or orders of the board of general application shall be posted for public inspection in the main office of the board and a certified copy filed in the office of the secretary of the board.

B. An order applying only to persons named therein shall be served on the persons affected by personal delivery of a certified copy or by mailing a certified copy in a sealed envelope with postage prepaid to each person affected thereby or in the case of a corporation to any officer or agent of the corporation upon whom a summons may be served in accordance with law.

C. The posting in the main office of the board of any rule or order not required to be served and the filing in the office of the secretary of the board constitutes due and sufficient notice to all persons affected by the rule or order. The rule of the board when duly posted and filed as provided in this Section has binding force and effect.

§383. Reports.

Each licensee, as often as required by rule or order of the board, shall file a verified report on forms prescribed by the board of all matters on account of which a record is required to be kept together with any other information or facts that may be pertinent and material within the scope of the purpose and intent of this Chapter. This report shall cover a period of time specified in the order.

§384. Inspection of shops and schools by board.

Any member of the board or any employee designated for the purpose shall have access to and may enter and inspect at all reasonable hours and at any time during business hours any barber

shop or barber college or place where barbering is being carried on.

§385. Information not to be divulged.

No member of the board and no officer, agent, or employee thereof shall divulge to any person the contents of any document, paper, or record examined by him in the performance of his duties under this Chapter or any information obtained by him in the course of his investigations except when necessary to carry out the purpose of this Chapter.

§386. Disobedience of board order or subpoena; court proceedings.

If any person fails to comply with an order of the board or with a subpoena issued by the board, any of its members, or its secretary or agents, or if any witness refuses to testify to any matter regarding which he may be lawfully interrogated, the district judge of the parish in which the person resides, on application of any member of the board, its secretary, or an agent or employee shall compel obedience by proceedings for contempt as in the case of disobedience of the requirements of a subpoena issued from the court or a refusal to testify therein.

§387. Compensation of subpoena-server and of witnesses

A. Each officer who serves a subpoena shall receive the same fees as a sheriff.

B. Each witness who appears in obedience to a subpoena before the board or a member thereof or its secretary shall receive for his attendance the fees and mileage provided for witnesses in civil cases in the courts of this state that shall be audited and paid in the same manner as other expenses are audited and paid upon the presentation of proper vouchers approved by any two members of the board.

C. No witness subpoenaed at the instance of a party other than the board or one of its members, or its secretary or agents or employees is entitled to compensation unless the board certifies that this testimony was material to the matter investigated.

§388. Review of board's orders

A. (1) Any applicant or licensee who thinks himself aggrieved by any action of the board taken under any of the provisions of this Chapter within thirty days after receipt of a copy of the order of the board may file a petition in the district court for the parish of East Baton Rouge.

(2) The petition shall set forth the errors complained of.

(3) If, upon consideration of the records, the court finds that the order was unlawful or unreasonable, it may reverse, vacate or modify it.

B. The board shall be the defendant in the suit. Unless waived, citations and other judicial process shall be served upon the president of the board or if he is absent upon any member of the board or by leaving a copy at the office of the board in the city of Baton Rouge.

C. Upon service of waiver thereof, the board shall file its answer accompanied by a transcript of the records of the board, the original papers or transcripts thereof, and a certified transcript of all evidence adduced upon the hearing before the board in the proceedings complained of.

D. No proceeding to vacate, reverse, or modify a final order rendered by the board shall stay the execution or effect thereof, in vacation, except on application and three days' notice to the board. In that event, the petitioner shall execute his bond in a sum prescribed with surety satisfactory to the court conditioned upon the prompt payment of all damages arising from or caused by the delay in the effectiveness or enforcement of the order complained of.

§389. Enforcement of Chapter through court action.

The board may institute any actions in the courts that appear necessary to enforce compliance with any provision of this Chapter or with any rule, subpoena, or order of the board made pursuant to the provisions of this Chapter.

§390. Expenses of administration.

All expenses incidental to the administration of this Chapter shall be paid from the funds of the board of barber examiners in the manner and form governing other expenditures of that board.

§391. Construction of Chapter.

Nothing in this Chapter shall abrogate or affect any provisions of the public health laws, the state sanitary code, or any local health ordinance or regulation.

Injunction; penalty; attorney fees; costs.

A. The board, through its president, on motion in any court of competent jurisdiction, may cause to issue an injunction to enjoin any person from practicing barbering without a certificate of registration or violating any other provision of this chapter.

B. In the suit for an injunction, the board, through its president, may demand and the court may assess, in addition to the injunction, a penalty of not more than eight hundred dollars, reasonable attorney fees, and costs of court. The judgement for penalty, attorney fees, and costs may be rendered in the same judgement in which the injunction is made permanent, and shall be payable to the board. However, if such injunction is not made absolute, the board shall be liable to the defendant for the payment of his attorney fees and court costs.

C. The trial of this proceeding shall be summary, with preference over ordinary proceedings, and tried by the judge without a jury.

D. A violation of the injunction shall be considered as contempt of court and punished accordingly.

§392. Penalty.

A. The board may fine any licensed barber. Each day on which a violation occurs is a separate violation.

B. Whoever violates any provision of this Chapter or any rule, subpoena, or order of the board, lawfully made pursuant to this Chapter, shall be fined not less than one hundred dollars nor more than five hundred dollars or imprisoned for not more than six months, or both.