

1984 WL 250018 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 11, 1984

***1 SUBJECT: Practice of Cosmetology**

Mrs. Doris Brantley
Executive Secretary
South Carolina State Board of Cosmetology

QUESTION:

May barbers or barber shops perform chemical waving, chemical relaxing, chemical straightening and chemical bleaching services to the public?

DISCUSSION:

It is the opinion of this Office that no one other than a licensed cosmetologist may perform chemical waving, chemical relaxing, chemical straightening, or chemical bleaching services. [Section 40-13-20 of the 1976 South Carolina Code \[Cum. Supp. 1983\]](#) provides that no person shall engage in or be employed to practice as a cosmetologist without having first obtained a license from the State Board of Cosmetology. Cosmetology is defined in Section 40-13-10 as 'engaging in any one or a combination of the following practices, when done for compensation either directly or indirectly: arranging, styling, thermal curling, chemical waving, pressing, shampooing, cutting, shaping, chemical bleaching, chemical coloring, chemical relaxing, or similar work, upon the hair of any person, or wig or hairpiece of any person, by any means, with hands or mechanical or electrical apparatus or appliances . . .'

[Section 40-7-10 of the 1976 South Carolina Code \[Cum. Supp. 1983\]](#) defines the practice of barbering thusly:

Any one or a combination of the following practices, when done for pay, shall constitute the practice of barbering within the purview of this chapter:

(1) Shaving or trimming the beard, cutting the hair, or hair styling; (2) giving facial or scalp massages or treatments with oils, creams, lotions and other preparations, either by hand or mechanical appliances; (3) singeing, shampooing or dyeing the hair or applying hair tonic; (4) applying cosmetic preparations, antiseptics, powders, oils, clays, and lotions to the scalp, neck or face; and (5) cutting, shaping, fitting, styling and service of men's hairpieces, toupees and wigs.

The express inclusion of chemical waving, chemical relaxing, chemical straightening and chemical bleaching services in the cosmetology licensing statutes and the omission of such services in the barber licensing statutes is indicative of legislative intent that barbers are not permitted by [Section 40-7-10 of the Code](#) to perform these services. [Home Building & Loan Association v. City of Spartanburg](#), 185 S.C. 313, 194 S.E. 139 (1938). Furthermore, [Section 40-13-280 of the 1976 South Carolina Code \[Cum. Supp. 1983\]](#) provides that any person who employs or supervises someone to practice cosmetology when that person is not a licensed cosmetologist may be guilty of a misdemeanor, punishable upon conviction by fine or imprisonment.

Please be advised that this Office is offering, in this opinion, the results of our research, and it is not to be construed that this Office is advocating a particular position on the matter, for or against either profession.

CONCLUSION:

It is therefore the opinion of this Office that barbers or barber shops may not provide any chemical waving, chemical relaxing, chemical straightening, or chemical bleaching services to the public.

*2 Carolyn M. Adams
Assistant Attorney General

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