

1980 WL 120619 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 22, 1980

*1 Mrs. Doris Brantley
Executive Secretary
S. C. State Board of Cosmetic Arts Examiners
1209 Blanding Street
Columbia, SC 29201

Dear Mrs. Brantley:

You have recently asked the opinion of this Office concerning the ability of the State Board of Cosmetic Arts Examiners to implement rules, regulations, and policies concerning shop training and to make rules, regulations, and policies to implement the statutes under which your agency operates.

Your first inquiry concerns in-shop training. The South Carolina Code of Laws (1976), § 40-13-510(2) makes it a misdemeanor to permit any person in one's employ or under one's supervision or control to practice as a cosmetologist unless that person has a certificate as a registered cosmetologist. However, § 40-13-120 states that a person may be issued a certificate of registration as a registered Junior Cosmetologist by the Board upon completion of the equivalent of fifteen hundred (1500) class hours under the direct supervision of a registered cosmetologist who shall not charge for such supervision.

As Section 40-13-270 allows the Board to establish a minimum curriculum for schools and minimum qualifications for the teachers therein, it is the opinion of this office in construing these statutes together that the Board has the authority to accept training acquired under a registered cosmetologist and to formulate rules and regulations to insure that training equivalent to that received in a Cosmetic Arts School or College is acquired by the trainee or apprentice and to insure the general protection of the public.

Your second inquiry concerns the ability of the Board to make rules and regulations to implement the statutes under which they operate. Authority has been conferred upon your agency to prescribe and determine the qualifications of cosmetologists in order to obtain a license [[State v. Rose](#), 185 S.C. 472, 194 S.E. 439 (___)], to prescribe courses of study and training as a condition of examination for a license to practice, to provide reasonable rules and regulations for establishments carrying on or teaching cosmetology, to enforce sanitary regulations, and to suspend or revoke licenses. In general, you may promulgate rules, regulations, and policies to these ends. This is of necessity a very general answer to a very general inquiry.

It should be noted that any new rules and regulations having general public applicability must be filed in compliance with § 1-23-10, et seq., S. C. Code of Laws, 1976.

Sincerely,

Judith Evans Finuf
Assistant Attorney General

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