Opinion No. 276.

Board of Barber Examiners—Rules and Regulations—Barber Schools.

HELD: The State Board of Barber Examiners has no authority to adopt rules and regulations governing barber schools.

May 5, 1936.

Mr. A. F. Hamilton
Secretary, Montana State Board of
Barber Examiners
Missoula, Montana

You have asked whether the Board of Barber Examiners may adopt certain rules and regulations in regard to barber schools. You enclose "Rules, Regulations and Curriculum of the Educational Council of the Associated Master Barbers of America," and ask whether the board can adopt and enforce them.

Section 1, Chapter 127, Laws of 1929, gives the Board of Barber Examiners power to make and enforce all reasonable rules and regulations for barber shops. No authority is given to the board by the laws of the State of Montana to adopt rules and regulations for barber schools. In the absence of such statutory authority the board may not do so, for the board derives power only from the statutes. It is true by Section 3 of the Act as amended by Chapter 18, Laws of 1931, the board may approve barber schools, but the requirements of such schools are set forth in that section. This section reads: "No school of barbering shall be approved by the board unless it requires a continuous course of instruction of six (6) months," etc.

By this section the legislature itself has undertaken to state the requirements of schools of barbering and therefore when any school meets these requirements it should be approved by the board. The board may not add to these requirements by fixing rules and regulations for barber schools or by adopting the rules, regulations and curriculum of the Educational Council of the Associated Master Barbers of America. The only rules and regulations which the law empowers the board to make are those concerned directly with barber shops

and as to them, only such rules and regulations as are reasonable and relate to the purpose of the Barber Act.