QUESTION.

The question to be answered is whether the practice of beauty culture in such place and under such condition is permissible under our law.

ANSWER.

The answer is no.

REASONS.

The answer must be in the negative because of our statutory law pertaining thereto and more particularly, R. S. 45:4A–11.2:

> "It shall be unlawful for any person to practice beauty culture in any place other than a licensed beauty shop; provided, however, that a licensed operator, sponsored by a licensed beauty shop, may furnish beauty culture treatments to persons in their private residences by appointment; * * *"

Under this statute it becomes immediately apparent that beauty culture shall be practiced only in a licensed beauty shop with the proviso that beauty culture treatments may be furnished to persons in their private residences.

It follows therefore that unless some portion of the hospital is licensed as a beauty shop, no beauty culture can be practiced therein; nor could an itinerant with a portable unit practice therein, for a hospital is not deemed to be a private residence.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: JOHN WARHOL, JR.,
Deputy Attorney General.

JW-B

May 13, 1949.

DR. WILLIAM S. CARPENTER,
President, Department of Civil Service,
State House,
Trenton, New Jersey.

FORMAL OPINION—1949. No. 47.

DEAR SIR:

I have your communication stating that you are advised that the governing body of the Borough of Edgewater, Bergen County, without first having had presented to it a petition for the adoption of the civil service law, by resolution, directed that the question of the adoption of that law be submitted to the people, which was done and the provisions of the civil service law adopted. You inquire into the sufficiency and legality of the adoption.

I have before me the original certificate of the governing body, signed by its mayor and attested by its clerk under the corporate seal of the municipality certifying to the Civil Service Commission the fact that the civil service law was adopted, giving the vote as 1,155 for and 243 against the proposition, the election having been held on November 2, 1948. R. S. 11:20–7 provides with respect to the election that if the result of the same is favorable to the adoption of civil service law, such result shall be certified to the commission by the governing body of the municipality. The certificate which I have before me and which I have referred to complies with the requirements of the statute and, in my opinion, your commission is bound thereby.

I am returning herewith the papers which you left with me including the certification above referred to.

Very truly yours,

THEODORE D. PARSONS,
Attorney General,

By: THEODORE BACKES,
Deputy Attorney General.

Encs. TB:B

May 11, 1949.

HON. HARRY C. HARPER,
Commissioner of Labor and Industry,
State House,
Trenton 7, N. J.

FORMAL OPINION—1949. No. 48.

DEAR COMMISSIONER:

Re: Employment of Minors in Connection With Power Driven Hoisting Apparatus.

Your letter of recent date requesting an opinion as to whether R. S. 34:2–21.17 prohibits the employment of minors under 18 years of age in work which involves riding on a freight elevator, has been received.

While Section 17 of R. S. 34:2–21 prohibits minors under 16 years of age from being employed, permitted or suffered to work in, about, or in connection with power driven machinery, it further delineates specific occupations at which minors under 18 years of age may not be employed. Among these is the following, "Operation or repair of elevators or other hoisting apparatus." Thus the legislative intent is patently indicated to exclude from the general provision of the statute any reference to elevators by its specific inclusion of them in the enumerated prohibited occupations.

The language employed in the statute clearly circumscribes the prohibition contained therein to "operation and repair of elevators." Hence it is my opinion that