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OCT 15 1999

BOB HUNTER  
DISTRICT 71

Opinion Committee

OFFICE OF THE ATTORNEY GENERAL  
Executive Administration (001)  
P O. Box 12548  
Austin, TX 78711

October 11, 1999

The Honorable John Cornyn  
Attorney General  
State of Texas  
P.O. Box 12548  
Austin, TX 78711

OCT 15 1999

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1041 Liz Robinson  
cc: Thomas Glenn

FILE # ML-41062-99  
I.D. # 41062

Dear General Cornyn:

A barber in Abilene, Mr. Jerry Starr, has brought to my attention our state's laws that regulate barbers and cosmetologists and I am seeking your counsel to further explain the law.

Following a 1972 judgment by a three-judge panel in the United States District Court for the Northern District of Texas at Dallas in Civil Action No. CA-3-5298-B, *Bolton, et al v. Texas Board of Barber Examiners, et al*, that held the Texas Barber Law and Cosmetology Act to be in violation of the Fourteenth Amendment of the United States Constitution, Attorney General Crawford Martin in Opinion No. M-1270 wrote that "the cutting of hair may be performed by either barbers or hairdressers upon either males or females." Also in the opinion General Crawford states, "only a licensed barber may perform the services of shaving and trimming the beard".

At the request of Ms. Jo King McCrorey, then-executive director of the State Board of Barber Examiners, Attorney General Jim Mattox also issued an opinion in 1988 (JM-990) relative to the laws that regulate barbers and cosmetologists. General Mattox made a distinction between "hair" and "the beard", and stated that, according to statute, a cosmetologist did not have the authority to trim "the beard".

Mr. Starr has informed me that since no definition exists for "hair" and "the beard" in either the statutes or attorney general opinions, a cosmetologist in his barber shop is having difficulty in complying with the law as regulated by the State Board of Barber Examiners. Mr. Starr has pointed out that it is almost impossible to distinguish between the beginning of facial hair that would comprise a beard and the extended length of hair that would comprise sideburns, thus placing his employees and his business in possible violation of the law as they seek to best serve their customers.

An opinion on the matter of the authority a cosmetologist has to perform services on the hair versus the beard of a male should provide more clarity to Mr. Starr as he seeks to operate his business in concordance with the laws of Texas

Sincerely,

A handwritten signature in black ink, appearing to read 'Bob Hunter', written over the word 'Sincerely,'.

Bob Hunter