

regulations, and to file with the State Geologist all logs of wells within six months after the completion or abandonment thereof, and also to file with the said State Geologist such other reports as may be required thereby, and to case, control and plug all wells as therein prescribed.

§ 3. All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 4. PENALTY.] Any person or corporation violating the provisions of this Act or any rule or any regulation prescribed pursuant hereto, and any person or corporation violating the lawful orders of the State Geologist with reference to the matters referred to in this Act shall upon conviction be fined not more than \$500.00, or be imprisoned in the County jail not more than six months, or by both such fine and imprisonment.

Approved February 6, 1937.

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## HAIRDRESSERS AND COSMETOLOGISTS

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### CHAPTER 136

H. B. No. 291—(Olson of McLean)

#### COSMETIC ACT

An Act for the protection of health and prevention of fraud and deception in cosmetics; for the prevention of adulteration, misbranding and false advertising thereof; requiring labeling thereof; providing for the enforcement of the provisions of the Act; and to provide penalties for the violation thereof.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. NAME OF ACT.] This Act may be cited as the North Dakota Cosmetic Act.

§ 2. DEFINITIONS.] (a) The term "cosmetic" as used herein shall include all substances and preparations intended for cleansing or altering the appearance of or promoting the attractiveness of the person, except that such term shall include soaps only when medicinal or curative qualities are claimed therefor.

(b) The term "person" as used in this Act shall be construed to import both the singular and plural, as the case demands, and shall include individuals, partnerships, corporations, companies and associations.

§ 3. ADULTERATION. WHAT CONSTITUTES.] A cosmetic shall be deemed to be adulterated:

First. If it bears or contains any poisonous or deleterious substance which may render it injurious to users under the conditions of use prescribed in the labeling or advertisement thereof, or under such conditions of use as are customary or usual.

Second. If it consists in whole or in part of any filthy, putrid, or decomposed substance.

Third. If it has been prepared, packed, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health.

Fourth. If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render it injurious to health.

§ 4. MISBRANDING. WHAT CONSTITUTES.] A cosmetic shall be deemed to be misbranded :

First. If its labeling is false or misleading in any particular.

Second. If in package form unless it bears a label containing the name and place of business of the manufacturer, packer, seller, or distributor ; and an accurate statement of the quantity of the contents in terms of weight, measure, or numerical count.

Third. If any word, statement, or other information required on the label under any provision of this Act is not prominently placed thereon in such a manner as to be easily seen and in such terms as to be readily understood by the purchasers and users of such articles under customary conditions of purchase and use, due consideration being given to the size of the package.

§ 5. UNLAWFUL TO SELL CERTAIN COSMETICS.] It shall be unlawful for any person to manufacture, sell, offer or expose for sale or delivery or to have in possession for sale or delivery any cosmetic which is adulterated, misbranded or otherwise violates any provision of this Act or any rule or regulation issued pursuant thereto.

§ 6. FALSE AND MISLEADING ADVERTISING PROHIBITED.] The dissemination by any person of any advertisement which contains any statement, design or device regarding any cosmetics or the ingredients thereof or the substances therein, or the curative, therapeutic, preventive or beneficial effects thereof, or the dosage, frequency or duration of use pertaining thereto, which is false or misleading in any particular, is prohibited.

§ 7. RIGHT OF INSPECTION.] For obtaining information regarding suspected violations of this Act, the State Food Commissioner and Chemist or his agents shall have free access, ingress and egress to all places where cosmetics are manufactured, sold, exposed for sale or transported or held in possession with intent to use, sell or transport, except in a private home; that said agents upon paying or offering to pay to the person entitled thereto the full value

thereof may open any package, receptacle or container containing any cosmetic, and may take a sample therefrom sufficient for inspection and analysis. Any person obstructing such entry or inspection shall be deemed guilty of a misdemeanor.

§ 8. RULES, REGULATIONS AND TOLERANCES.] It shall be the duty of the State Food Commissioner and Chemist to adopt, publish and enforce rules and regulations for the enforcement of this Act and he may fix the limit of tolerance for any poisonous or deleterious substance which may be present in a cosmetic.

§ 9. ANALYSIS AND PUBLICATION.] It shall be the duty of the State Food Commissioner and Chemist to make or cause to be made analyses, examinations and inspections of cosmetics included under provisions of this Act, to determine whether such cosmetics are adulterated, misbranded, insufficiently or improperly labeled, and whether such articles have been manufactured, used, sold, transported, offered for sale or transportation or had in possession with intent to use, sell or transport in violation of any provision of this Act or any rule, regulation or tolerance issued pursuant thereto, and for other reasons. The said State Food Commissioner and Chemist shall have authority to make such analyses, inspections and investigations and to carry on research and to publish the reports of such analyses, inspections and research for the information of the public.

§ 10. DUTY TO PROSECUTE.] It shall be the duty of any State's Attorney to whom the State Food Commissioner and Chemist or his agent shall report any violation of this Act, to cause, without delay, appropriate proceedings to be instituted in the proper Court of jurisdiction for the enforcement of the penalties, as in such case, is herein provided.

§ 11. PENALTIES.] Any person violating or failing to comply with any of the provisions of this Act or any rule, regulation, definition or standard issued pursuant thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than Twenty-five (\$25.00) Dollars or more than One Hundred (\$100.00) Dollars or by imprisonment for not less than ten days or more than thirty days or both at the discretion of the Court.

Approved March 16, 1937.

## CHAPTER 137

S. B. No. 256—(Committee on Delayed Bills)

## REGULATION OF HAIRDRESSERS AND COSMETOLOGISTS

An Act to amend and re-enact Sections 4 and 28 of Chapter 157 of the Session Laws of North Dakota for 1927 relating to the occupation of hairdressers and cosmetologists, the conduct of schools for hairdressers and cosmetologists, and to provide penalties for violation thereof.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That Section 4 of Chapter 157 of the Session Laws of North Dakota for 1927 be, and the same is hereby amended and re-enacted to read as follows:

## § 4. REGISTERED SCHOOLS.]

(a) It shall be competent for any person, firm or corporation to apply to the Board of Hairdressers and Cosmetologists for a Certificate of Registration as a school for both of the classified occupations within this Act, upon the payment of a reasonable annual registration fee as determined annually by the said Board for both of the classified occupations, not to exceed a total sum of One Hundred Dollars.

(b) No school for hairdressers and cosmetologists within this Act shall be granted a Certificate of Registration unless it shall attach to and maintain upon its staff a regularly licensed physician and in addition thereto at least one competent and qualified instructor for each twenty-five students or fraction thereof, which said instructor must be registered as such instructor, and such school shall give and require a course of training and instruction of not less than one thousand hours for both of the said classified occupations, as provided in this Act, to include practical demonstrations, written, or oral tests, and practical instructions in sanitation, sterilizations, and the use of antiseptics, and cosmetics and electrical appliances, consistent with the practical and theoretical requirements as applicable to the classified occupations as provided in this Act.

(c) No person who has not completed the regular course offered by a recognized Hairdressing and Cosmetology School shall be granted a license under this Act. This provision shall not apply to any person heretofore licensed under Chapter 157 of the Session Laws of 1927.

(d) No school, as provided in this Act, shall operate within this State unless a proper Certificate of Registration under this Act has first been obtained.

(e) No person, firm or corporation operating or conducting a school of hairdressing and cosmetology under license pursuant to this Act shall advertise, in any manner whatsoever, to perform any

of the practices referred to herein without disclosing therein that the practice offered is to be performed in said school by students under the supervision of a licensed instructor or instructors and it is expressly provided that no school of hairdressing or cosmetology shall make any charge for any services or material which is covered and included within the practice of hairdressing or cosmetology, and which may be rendered by any student in such school except the actual cost of material used. Any violation of this Subdivision shall authorize the Board, after notice and hearing, and it shall be its duty upon determining as a fact that this Subdivision has been violated, to forthwith cancel the certificate granted to said school.

§ 2. AMENDMENT.] That Section 28 of Chapter 157 of the Session Laws of North Dakota for 1927 be, and the same is hereby amended and re-enacted to read as follows:

§ 28. PENALTIES.] Any person who shall practice any of the occupations, maintain a school or act in any capacity wherein a certificate is required, without a certificate provided in this Act, shall be guilty of a misdemeanor and shall be fined not less than \$25.00 and not more than \$100.00 or shall be imprisoned for no more than 30 days or both.

Approved March 17, 1937.

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## HIGHWAYS

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### CHAPTER 138

H. B. No. 312—(Frosaker, by Request)

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#### FEEDER ROADS

**An Act authorizing the State Highway Commissioner to administer feeder or other roads for which Federal appropriations are made.**

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. The State Highway Commissioner is hereby authorized to receive any appropriations now made, or which may hereafter be made, by the Congress of the United States to be applied to secondary or feeder roads and other roads or streets not on the State Highway System and may carry out the intent and purpose of such appropriations, to the same extent that he may now legally cooperate on roads which are on the State Highway System.

§ 2. No State funds shall be expended for feeder roads or other roads not on the State Highway System except for the necessary administrative costs and except for such work as is reimburs-