

**Opinion No. 41-3723**

February 20, 1941

**BY:** EDWARD P. CHASE, Attorney General

**TO:** Mrs. Edna Peterson, Secretary State Board of Cosmetologists P. O. Box 1096  
Albuquerque, New Mexico

{\*38} Your request for an opinion by this office dated February 19, 1941, inquires whether or not instructors in cosmetology at the Vocational School at Pojoaque are required to have instructors' licenses as required by Chapter 221, Laws of 1937.

I am under the impression that the instructors at the Vocational School at Pojoaque are paid with public moneys, and that the school is considered a state institution or an integral part of a state institution.

Under Section 25, Chapter 221, Laws of 1937, an instructor in a state institution is an exempt person and need not pay an instructors' license fee under that act **if the cosmetology or beauty culture course is a regular part of the curriculum and may be counted toward the 1200 hours of study required for the practice of cosmetology.**

In view of the foregoing, I am of the opinion that said instructors should not be compelled to have licenses.

Trusting that your inquiry is answered, I remain,

By GEO. H. HCNKER, Jr.

Asst. Atty. Gen.