

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 H. B. 2368

5  
6 (By Delegate Morgan)

7 [Passed March 12, 2011; in effect from passage.]

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9  
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by  
11 adding thereto two new sections designated §30-27-8a and §30-  
12 27-11a, relating to the Board of Barbers and Cosmetologists;  
13 authorizing the establishment of a barber apprenticeship  
14 program and shampoo assistant permit; and rulemaking and  
15 emergency rulemaking authority.

16 *Be it enacted by the Legislature of West Virginia:*

17 That the Code of West Virginia, 1931, as amended, be amended  
18 by adding thereto two new sections designated §30-27-8a and §30-27-  
19 11a, all to read as follows:

20 **ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.**

21 **§30-27-8a. Barber apprentice.**

22 (a) The board may establish an apprenticeship program to  
23 become a barber. A barber apprentice shall work at all times under  
24 the direct supervision of a licensed barber and any permit issued  
25 by the board to work as a barber apprentice does not allow a person

1 to practice individually as a barber.

2 (b) An applicant for a barber apprenticeship shall present  
3 satisfactory evidence that he or she:

4 (1) Is at least eighteen years of age;

5 (2) Is of good moral character;

6 (3) Has a high school diploma, a GED, or has passed the  
7 "ability to benefit test" approved by the United States Department  
8 of Education;

9 (4) Has paid the applicable fee;

10 (5) Has a certificate of health from a licensed physician;

11 (6) Is a citizen of the United States or is eligible for  
12 employment in the United States; and

13 (7) Has fulfilled any other requirement specified by the  
14 board.

15 (c) An applicant for a sponsor of a barber apprentice shall  
16 present satisfactory evidence that he or she:

17 (1) Is licensed as a barber under the provisions of this  
18 article;

19 (2) Has paid the applicable fee; and

20 (3) Has fulfilled any other requirement specified by the  
21 board.

22 (d) The board may propose emergency rules and rules for  
23 legislative approval, in accordance with the provisions of article  
24 three, chapter twenty-nine-a of this code, to implement the  
25 provisions of this section, including:

26 (1) The requirements for:

- 1 (A) The barber apprenticeship program;
- 2 (B) The barber apprentice permit; and
- 3 (C) A licensed barber to sponsor a barber apprentice;
- 4 (2) Procedures for an examination;
- 5 (3) A fee schedule; and
- 6 (4) Any other rules necessary to effectuate the provisions of
- 7 this section.

8 **§30-27-11a. Shampoo assistant.**

9 (a) The board may establish a shampoo assistant permit. A  
10 shampoo assistant shall work at all times under the direct  
11 supervision of a licensed barber or cosmetologist and any permit  
12 issued by the board to work as a shampoo assistant does not allow  
13 a person to practice individually as a shampoo assistant.

14 (b) A shampoo assistant is only authorized to perform the  
15 following services:

- 16 (1) Shampooing and rinsing hair;
- 17 (2) Removing rollers or permanent rods; and
- 18 (3) Cleansing or other sink-related functions not requiring
- 19 the skill of a licensee.

20 (c) An applicant for a shampoo assistant permit shall present  
21 satisfactory evidence that he or she:

- 22 (1) Is at least sixteen years of age;
- 23 (2) Is of good moral character;
- 24 (3) Is in high school or has a high school diploma, a GED, or
- 25 has passed the "ability to benefit test" approved by the United
- 26 States Department of Education;

1 (4) Has paid the applicable fee;

2 (5) Has a certificate of health from a licensed physician;

3 (6) Is a citizen of the United States or is eligible for  
4 employment in the United States; and

5 (7) Has fulfilled any other requirement specified by the  
6 board.

7 (d) The board may propose rules for legislative approval, in  
8 accordance with the provisions of article three, chapter twenty-  
9 nine-a of this code, to implement the provisions of this section,  
10 including:

11 (1) The requirements and procedures for a shampoo assistant  
12 permit:

13 (2) A fee schedule; and

14 (3) Any other rules necessary to effectuate the provisions of  
15 this section.