

**H. B. 2008**

(By Delegates Doyle and T. Campbell)  
[Introduced January 12, 2011; referred to the  
Committee on Government Organization then the Judiciary.]

A BILL to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended, relating to the professions and occupations; exempting from licensing requirements of the Board of Barbers and Cosmetologists persons who only perform the duty of hair washing for a licensed barber or cosmetologist, but requiring a student license to be known as an apprentice license for those persons.

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

That §30-27-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

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

**§30-27-3. Definitions.**

As used in this article, the following words and terms have the following meanings, unless the context clearly indicates

1 otherwise:

2 (a) "Aesthetics" or "esthetics" means any one or any  
3 combination of the following acts when done on the human body for  
4 compensation and not for the treatment of disease:

5 (1) Administering cosmetic treatments to enhance or improve  
6 the appearance of the skin, including cleansing, toning, performing  
7 effleurage or other related movements, stimulating, exfoliating or  
8 performing any other similar procedure on the skin of the human  
9 body or scalp;

10 (2) Applying, by hand or with a mechanical or electrical  
11 apparatus, any cosmetics, makeups, oils, powders, clays,  
12 antiseptics, tonics, lotions, creams or chemical preparations  
13 necessary for the practice of aesthetics to another person's face,  
14 neck, back, shoulders, hands, elbows and feet up to and including  
15 the knee;

16 (3) The rubbing, cleansing, exercising, beautifying or  
17 grooming of another person's face, neck, back, shoulders, hands,  
18 elbows and feet up to and including the knee;

19 (4) The waxing, tweezing and threading of hair on another  
20 person's body;

21 (5) The wrapping of another person's body in a body wrap;

22 (6) Applying artificial eyelashes and eyebrows; and

23 (7) The lightening of hair on the body except the scalp.

24 (b) "Aesthetician" or "esthetician" means a person licensed

1 under the provisions of this article who engages in the practice of  
2 aesthetics.

3 (c) "Applicant" means a person making application for a  
4 professional license, license, certificate, registration, permit or  
5 renewal under the provisions of this article.

6 (d) "Barber" means a person licensed under the provisions of  
7 this article who engages in the practice of barbering.

8 (e) "Barbering" means any one or any combination of the  
9 following acts when done on the human body for compensation and not  
10 for the treatment of disease:

11 (1) Shaving, shaping and/or trimming the beard;

12 (2) Cutting, singeing, shampooing, arranging, dressing,  
13 tinting, bleaching, or applying lotions or tonics on human hair, or  
14 a wig or hairpiece; and

15 (3) Applications, treatments or rubs of the scalp, face, or  
16 neck with oils, creams, lotions, cosmetics, antiseptics, powders,  
17 or other preparations in connection with the shaving, cutting or  
18 trimming of the hair or beard.

19 (f) "Barber crossover" or "cosmetologist crossover" is a  
20 person who is licensed to perform barbering and cosmetology.

21 (g) "Barber permanent waving" means the following acts done on  
22 the human body for compensation and not for the treatment of  
23 disease:

24 (1) The bleaching or tinting of hair; and

1 (2) The permanent waving of hair.

2 (h) "Barber permanent waviest" means a person licensed to  
3 perform barbering and barber permanent waving.

4 (i) "Board" means the West Virginia Board of Barbers and  
5 Cosmetologists.

6 (j) "Certificate" means an instructor certificate to teach in  
7 a school under the provisions of this article.

8 (k) "Certificate holder" means a person certified as an  
9 instructor to teach in a school under the provisions of this  
10 article.

11 (l) "Cosmetologist" means a person licensed under the  
12 provisions of this article who engages in the practice of  
13 cosmetology.

14 (m) "Cosmetology" means any one or any combination of the  
15 following acts when done on the human body for compensation and not  
16 for the treatment of disease:

17 (1) Cutting, styling, shaping, arranging, braiding, weaving,  
18 dressing, adding extensions, curling, waving, permanent waving,  
19 relaxing, straightening, shampooing, cleansing, singeing,  
20 bleaching, tinting, coloring, waxing, tweezing, or similarly work  
21 on human hair, or a wig or hairpiece, by any means, including  
22 hands, mechanical or electrical devices or appliances;

23 (2) Nail care;

24 (3) Applying by hand or with a mechanical or electrical device

1 or appliance, any cosmetics, makeups, oils, powders, clays,  
2 antiseptics, tonics, lotions, creams or chemical preparations  
3 necessary for the practice of aesthetics to another person's face,  
4 neck, shoulders, hands, elbows and feet up to and including the  
5 knee;

6 (4) The rubbing, cleansing, exercising, beautifying or  
7 grooming of another person's face, neck, shoulders, hands, elbows  
8 and feet up to and including the knee;

9 (5) The wrapping of another person's body in a body wrap; and

10 (6) Performing aesthetics.

11 (n) "General supervision" means:

12 (1) For schools, a master or certified instructor is on the  
13 premises and is quickly and easily available; or

14 (2) For salons, a professional licensee is on the premises and  
15 is quickly and easily available.

16 (o) "Hair braiding" means any one or any combination of the  
17 following acts when done on the human body for compensation and not  
18 for the treatment of disease: Braiding, plaiting, twisting,  
19 wrapping, threading, weaving, extending or locking of natural human  
20 hair by hand or mechanical device.

21 (p) "Hair washer" means a person employed by a barber or  
22 cosmetologist who only performs the duty of hair washing. A hair  
23 washer is not required to be licensed under the provisions of this  
24 article. The Board of Barbers and Cosmetologists shall promulgate

1 rules to establish an apprentice license for persons employed as  
2 hair washers.

3 ~~(p)~~ (q) "License" means a professional license, a salon  
4 license or a school license.

5 ~~(q)~~ (r) "Licensee" means a person, corporation or firm holding  
6 a license issued under the provisions of this article.

7 ~~(r)~~ (s) "Nail care" means any one or any combination of the  
8 following acts when done on the human body for compensation and not  
9 for the treatment of disease:

10 (1) The cleansing, dressing, or polishing of nails of a  
11 person;

12 (2) Performing artificial nail service; and

13 (3) The cosmetic treatment of the feet up to the knee and the  
14 hands up to the elbow.

15 ~~(s)~~ (t) "Nail technician" or "manicurist" means a person  
16 licensed under the provisions of this article who engages in the  
17 practice of nail care.

18 ~~(t)~~ (u) "Permit" means a work permit.

19 ~~(u)~~ (v) "Permittee" means a person holding a work permit.

20 ~~(v)~~ (w) "Professional license" means a license to practice as  
21 a aesthetician, barber, barber crossover, barber permanent wavist,  
22 cosmetologist, cosmetologist crossover or nail technician, but does  
23 not include an apprentice license for any person employed as a hair  
24 washer as defined in this section.

1       ~~(w)~~ (x) "Registration" means a registration issued by the  
2 board to a person who rents or leases a booth or chair from a  
3 licensed salon owner and/or operator or a registration issued by  
4 the board to a person who is a student in a school.

5       ~~(x)~~ (y) "Registrant" means a person who holds a registration  
6 under the provisions of this article.

7       ~~(y)~~ (z) "Salon" means a shop or other facility where a person  
8 practices under a professional license.

9       ~~(z)~~ (aa) "Salon license" means a license to own and operate a  
10 salon.

11       ~~(aa)~~ (bb) "School" means a facility to educate persons to be  
12 licensed with professional licenses under the provisions of this  
13 article.

14       ~~(bb)~~ (cc) "School license" means a license to own and operate  
15 a school.

16       ~~(cc)~~ (dd) "Student registration" means a registration issued  
17 by the board to a student to study at a school licensed under the  
18 provisions of this article.

NOTE: The purpose of this bill is to exempt from licensing requirements of the Board of Barbers and Cosmetologists persons who only perform the duty of hair washing for a licensed barber or cosmetologist, but requires the Board of Barbers and Cosmetologists to create an apprentice license for these persons.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.