

1 **H. B. 2368**

2
3 (By Delegate Morgan)

4 [Introduced January 12, 2011; referred to the
5 Committee on Government Organization.]

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10 A BILL to amend and reenact §30-27-6 and §30-27-9 of the Code of
11 West Virginia, 1931, as amended, all relating to the practice
12 of beauty care; requiring the board to establish a barber's
13 apprentice program; and permitting the board to license an
14 applicant from another jurisdiction who has completed an
15 apprenticeship program.

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

17 That §30-27-6 and §30-27-9 of the Code of West Virginia, 1931,
18 as amended, be amended and reenacted, all to read as follows:

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

20 **§30-27-6. Rulemaking.**

21 (a) The board shall propose rules for legislative approval, in
22 accordance with the provisions of article three, chapter twenty-
23 nine-a of this code, to implement the provisions of this article,

1 including:

2 (1) Standards and requirements for licenses, permits,
3 certificates and registrations;

4 (2) Procedures for examinations and reexaminations;

5 (3) Requirements for third parties to prepare and/or
6 administer examinations and reexaminations;

7 (4) Educational and experience requirements;

8 (5) The passing grade on the examinations;

9 (6) Standards for approval of courses and curriculum;

10 (7) Procedures for the issuance and renewal of licenses,
11 permits, certificates and registrations;

12 (8) A fee schedule;

13 (9) Continuing education requirements for professional
14 licensees and certificate holders;

15 (10) The procedures for denying, suspending, revoking,
16 reinstating or limiting the practice of licensees, permittees,
17 certificate holders and registrants;

18 (11) Designating the regions for investigators/inspectors;

19 (12) Criteria for the training of investigators/inspectors;

20 (13) Requirements for investigations and inspections;

21 (14) Requirements for inactive or revoked licenses, permits,
22 certificates and registrations;

23 (15) Establishing the training program and requirements for
24 instructors for schools licensed under this article;

1 (16) Establishing operating procedures for salons; ~~and~~

2 (17) Establishing a barber's apprentice program; and

3 ~~(17)~~ (18) Any other rules necessary to effectuate the
4 provisions of this article.

5 (b) All of the board's rules in effect on July 1, 2009, shall
6 remain in effect until they are amended or repealed, and references
7 to provisions of former enactments of this article are interpreted
8 to mean provisions of this article.

9 (c) The board ~~is authorized to~~ shall file an emergency rule
10 ~~for the implementation of~~ creating its ~~fee schedule in 2009~~
11 barber's apprenticeship program.

12 **§30-27-9. Professional license from another state; license to**
13 **practice in this state.**

14 (a) The board may issue a professional license to practice to
15 an applicant of good moral character who holds a valid license or
16 other authorization to practice in that particular field from
17 another state, if the applicant demonstrates that he or she:

18 (1) Holds a license or other authorization to practice in
19 another state which was granted after completion of educational
20 requirements substantially equivalent to those required in this
21 state or completed an apprentice program and passed an examination
22 that is substantially equivalent to the examination required in
23 this state;

24 (2) Does not have charges pending against his or her license

1 or other authorization to practice, and has never had a license or
2 other authorization to practice revoked;

3 (3) Has not previously failed an examination for professional
4 licensure in this state;

5 (4) Has paid the applicable fee;

6 (5) Is a citizen of the United States or is eligible for
7 employment in the United States;

8 (6) Has presented a certificate of health issued by a licensed
9 physician; and

10 (7) Has fulfilled any other requirement specified by the
11 board.

12 (b) In its discretion, the board may examine a person by a
13 written, oral or skills test for licensing under this section, and
14 may enter into agreements for reciprocal licensing with other
15 jurisdictions having substantially similar requirements for
16 licensure.

17 (c) The provisions of this section do not apply to nail
18 technicians or manicurists from another state or jurisdiction. A
19 nail technician or manicurist from another state or jurisdiction is
20 required to show that he or she has completed the required
21 curriculum and has successfully passed the board's practical skills
22 examination to apply for licensure under the provisions of this
23 article.

NOTE: The purpose of this bill is to require the board of Barbers and Cosmetologists to create a barber's apprentice program. The board may also license an applicant from another jurisdiction who completed an apprentice program.

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