

1 **ENROLLED**

2 **H. B. 4097**

3  
4 (By Delegates Morgan, Doyle and Lawrence)

5 [Passed March 6, 2012; in effect ninety days from passage.]

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10 AN ACT to amend and reenact §30-27-3 and §30-27-8 of the Code of  
11 West Virginia, 1931 as amended, all relating to professions  
12 and occupations; Board of Barbers and Cosmetologists; and  
13 creating a license to practice hair styling.

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

15 That §30-27-3 and §30-27-8 of the Code of West Virginia, 1931  
16 as amended, be amended and reenacted, all to read as follows:

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

18 **§30-27-3. Definitions.**

19 As used in this article, the following words and terms have  
20 the following meanings, unless the context clearly indicates  
21 otherwise:

22 (a) "Aesthetics" or "esthetics" means any one or any  
23 combination of the following acts when done on the human body for

1 compensation and not for the treatment of disease:

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

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

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

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

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

19       (6) Applying artificial eyelashes and eyebrows; and

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

21       (b) "Aesthetician" or "esthetician" means a person licensed  
22 under the provisions of this article who engages in the practice of  
23 aesthetics.

24       (c) "Applicant" means a person making application for a

1 professional license, license, certificate, registration, permit or  
2 renewal under the provisions of this article.

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

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

8 (1) Shaving, shaping and trimming the beard, or both;

9 (2) Cutting, singeing, shampooing, arranging, dressing,  
10 tinting, bleaching, or applying lotions or tonics on human hair, or  
11 a wig or hairpiece; and

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

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

18 (g) "Barber permanent waving" means the following acts done on  
19 the human body for compensation and not for the treatment of  
20 disease:

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

22 (2) The permanent waving of hair.

23 (h) "Barber permanent wavist" means a person licensed to  
24 perform barbering and barber permanent waving.

1 (i) "Board" means the West Virginia Board of Barbers and  
2 Cosmetologists.

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

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

8 (l) "Cosmetologist" means a person licensed under the  
9 provisions of this article who engages in the practice of  
10 cosmetology.

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

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

20 (2) Nail care;

21 (3) Applying by hand or with a mechanical or electrical device  
22 or appliance, any cosmetics, makeups, oils, powders, clays,  
23 antiseptics, tonics, lotions, creams or chemical preparations  
24 necessary for the practice of aesthetics to another person's face,

1 neck, shoulders, hands, elbows and feet up to and including the  
2 knee;

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

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

7 (6) Performing aesthetics.

8 (n) "General supervision" means:

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

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

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

18 (p) "Hair Styling" means any one or any combination of the  
19 following acts when done on the human body for compensation and not  
20 for the treatment of disease:

21 (1) Cutting, styling, shaping, arranging, braiding, weaving,  
22 dressing, adding extensions, curling, waving, permanent waving,  
23 relaxing, straightening, shampooing, cleansing, singeing,  
24 bleaching, tinting, coloring, waxing, tweezing, threading or

1 similarly work on human hair, or a wig or hairpiece, by any means,  
2 including hands, mechanical or electrical devices or appliances;

3 (2) The rubbing, cleansing, exercising, beautifying or  
4 grooming of another person's face, neck, shoulders, hands, elbows  
5 and feet up to and including the knee.

6 (q) "Hair Stylist" means a person licensed under the  
7 provisions of this article who engages in the practice of hair  
8 styling.

9 (r) "License" means a professional license, a salon license or  
10 a school license.

11 (s) "Licensee" means a person, corporation or firm holding a  
12 license issued under the provisions of this article.

13 (t) "Nail care" means any one or any combination of the  
14 following acts when done on the human body for compensation and not  
15 for the treatment of disease:

16 (1) The cleansing, dressing, or polishing of nails of a  
17 person;

18 (2) Performing artificial nail service; and

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

21 (u) "Nail technician" or "manicurist" means a person licensed  
22 under the provisions of this article who engages in the practice of  
23 nail care.

24 (v) "Permit" means a work permit.

1 (w) "Permitee" means a person holding a work permit.

2 (x) "Professional license" means a license to practice as a  
3 aesthetician, barber, barber crossover, barber permanent wavist,  
4 cosmetologist, cosmetologist crossover or nail technician.

5 (y) "Registration" means a registration issued by the board to  
6 a person who rents or leases a booth or chair from a licensed salon  
7 owner and operator, or both, or a registration issued by the board  
8 to a person who is a student in a school.

9 (z) "Registrant" means a person who holds a registration under  
10 the provisions of this article.

11 (aa) "Salon" means a shop or other facility where a person  
12 practices under a professional license.

13 (bb) "Salon license" means a license to own and operate a  
14 salon.

15 (cc) "School" means a facility to educate persons to be  
16 licensed with professional licenses under the provisions of this  
17 article.

18 (dd) "School license" means a license to own and operate a  
19 school.

20 (ee) "Student registration" means a registration issued by the  
21 board to a student to study at a school licensed under the  
22 provisions of this article.

23 **§30-27-8. Professional license requirements.**

24 (a) An applicant for a professional license to practice as a

1 aesthetician, barber, barber crossover, barber permanent waviest,  
2 cosmetologist, hair stylist, cosmetologist crossover or nail  
3 technician shall present 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 graduated from a school which has been approved by the  
10 board;

11 (5) Has passed an examination that tests the applicant's  
12 knowledge of subjects specified by the board: *Provided*, That the  
13 board may recognize a certificate or similar license in lieu of the  
14 examination or part of the examination that the board requires;

15 (6) Has paid the applicable fee;

16 (7) Presents a certificate of health from a licensed  
17 physician;

18 (8) Is a citizen of the United States or is eligible for  
19 employment in the United States; and

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

22 (b) A license to practice issued by the board prior to July 1,  
23 2009, shall for all purposes be considered a professional license  
24 issued under this article: *Provided*, That a person holding a



1 license issued prior to July 1, 2009, must renew the license  
2 pursuant to the provisions of this article.