

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2012



ENROLLED

House Bill No. 4097

(By Delegates Morgan, Doyle and Lawrence)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

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H. B. 4097

(BY DELEGATES MORGAN, DOYLE AND LAWRENCE)

[Passed March 6, 2012; to take effect ninety days from passage.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-3. Definitions.

1 As used in this article, the following words and terms
2 have the following meanings, unless the context clearly
3 indicates otherwise:

4 (a) “Aesthetics” or “esthetics” means any one or any
5 combination of the following acts when done on the human
6 body for compensation and not for the treatment of disease:

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

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

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

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

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

25 (6) Applying artificial eyelashes and eyebrows; and

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

27 (b) "Aesthetician" or "esthetician" means a person
28 licensed under the provisions of this article who engages in
29 the practice of aesthetics.

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

33 (d) “Barber” means a person licensed under the
34 provisions of this article who engages in the practice of
35 barbering.

36 (e) “Barbering” means any one or any combination of the
37 following acts when done on the human body for
38 compensation and not for the treatment of disease:

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

40 (2) Cutting, singeing, shampooing, arranging, dressing,
41 tinting, bleaching, or applying lotions or tonics on human
42 hair, or a wig or hairpiece; and

43 (3) Applications, treatments or rubs of the scalp, face, or
44 neck with oils, creams, lotions, cosmetics, antiseptics,
45 powders, or other preparations in connection with the
46 shaving, cutting or trimming of the hair or beard.

47 (f) “Barber crossover” or “cosmetologist crossover” is a
48 person who is licensed to perform barbering and
49 cosmetology.

50 (g) “Barber permanent waving” means the following acts
51 done on the human body for compensation and not for the
52 treatment of disease:

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

54 (2) The permanent waving of hair.

55 (h) “Barber permanent waviest” means a person licensed
56 to perform barbering and barber permanent waving.

57 (i) “Board” means the West Virginia Board of Barbers
58 and Cosmetologists.

59 (j) “Certificate” means an instructor certificate to teach in
60 a school under the provisions of this article.

61 (k) “Certificate holder” means a person certified as an
62 instructor to teach in a school under the provisions of this
63 article.

64 (l) “Cosmetologist” means a person licensed under the
65 provisions of this article who engages in the practice of
66 cosmetology.

67 (m) “Cosmetology” means any one or any combination
68 of the following acts when done on the human body for
69 compensation and not for the treatment of disease:

70 (1) Cutting, styling, shaping, arranging, braiding,
71 weaving, dressing, adding extensions, curling, waving,
72 permanent waving, relaxing, straightening, shampooing,
73 cleansing, singeing, bleaching, tinting, coloring, waxing,
74 tweezing, or similarly work on human hair, or a wig or
75 hairpiece, by any means, including hands, mechanical or
76 electrical devices or appliances;

77 (2) Nail care;

78 (3) Applying by hand or with a mechanical or electrical
79 device or appliance, any cosmetics, makeups, oils, powders,
80 clays, antiseptics, tonics, lotions, creams or chemical
81 preparations necessary for the practice of aesthetics to
82 another person’s face, neck, shoulders, hands, elbows and
83 feet up to and including the knee;

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

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

89 (6) Performing aesthetics.

90 (n) "General supervision" means:

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

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

95 (o) "Hair braiding" means any one or any combination of
96 the following acts when done on the human body for
97 compensation and not for the treatment of disease: Braiding,
98 plaiting, twisting, wrapping, threading, weaving, extending
99 or locking of natural human hair by hand or mechanical
100 device.

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

104 (1) Cutting, styling, shaping, arranging, braiding,
105 weaving, dressing, adding extensions, curling, waving,
106 permanent waving, relaxing, straightening, shampooing,
107 cleansing, singeing, bleaching, tinting, coloring, waxing,
108 tweezing, threading or similarly work on human hair, or a
109 wig or hairpiece, by any means, including hands, mechanical
110 or electrical devices or appliances;

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

114 (q) "Hair Stylist" means a person licensed under the
115 provisions of this article who engages in the practice of hair
116 styling.

117 (r) "License" means a professional license, a salon license
118 or a school license.

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

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

124 (1) The cleansing, dressing, or polishing of nails of a
125 person;

126 (2) Performing artificial nail service; and

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

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

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

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

134 (x) "Professional license" means a license to practice as
135 an aesthetician, barber, barber crossover, barber permanent
136 waviest, cosmetologist, cosmetologist crossover or nail
137 technician.

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

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

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

146 (bb) "Salon license" means a license to own and operate
147 a salon.

148 (cc) "School" means a facility to educate persons to be
149 licensed with professional licenses under the provisions of
150 this article.

151 (dd) "School license" means a license to own and operate
152 a school.

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

§30-27-8. Professional license requirements.

1 (a) An applicant for a professional license to practice as
2 an aesthetician, barber, barber crossover, barber permanent
3 waviest, cosmetologist, hair stylist, cosmetologist crossover or
4 nail technician shall present satisfactory evidence that he or
5 she:

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

7 (2) Is of good moral character;

8 (3) Has a high school diploma, a GED, or has passed the
9 “ability to benefit test” approved by the United States
10 Department of Education;

11 (4) Has graduated from a school which has been
12 approved by the board;

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

18 (6) Has paid the applicable fee;

19 (7) Presents a certificate of health from a licensed
20 physician;

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

23 (9) Has fulfilled any other requirement specified by the
24 board.

25 (b) A license to practice issued by the board prior to July
26 1, 2009, shall for all purposes be considered a professional
27 license issued under this article: *Provided,* That a person
28 holding a license issued prior to July 1, 2009, must renew the
29 license pursuant to the provisions of this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

To take effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2012.

Governor