

H. B. 2132

(By Delegate Howell)

[Introduced January 20, 2015; referred to the
Committee on Government Organization then Finance.]

10 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
11 designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-
12 8A-8, §16-8A-9, §16-8A-10 and §16-8A-11; to amend and reenact §30-27-1, §30-27-3, §30-
13 27-6 and §30-27-11a of the code; and to amend said code by adding thereto a new section,
14 designated §30-27-1a, all relating to barbers, cosmetologists and shampoo assistants;
15 exempting basic barbers from licensure by the Board of Barbers and Cosmetologists;
16 authorizing the practice of basic barbering; establishing qualifications and requirements to
17 practice basic barbering; establishing a basic barber permit system; establishing a basic
18 barber apprenticeship program; establishing requirements for the operation of basic barber
19 shops; establishing health certificate requirements for basic barbers and apprentices;
20 requiring annual inspections of basic barber shops; limiting continuing education
21 requirements for licensed barbers; exempting basic barbers from continuing education
22 requirements; requiring the Board of Barbers and Cosmetologists to approve certain

1 continuing education courses; revoking the authority of the Board of Barbers and
2 Cosmetologists to establish a shampoo assistant permit; and revising requirements and
3 limitations for shampoo assistants.

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

5 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
6 article, designated §16-8A-1, §16-8A-2, §16-8A-3, §16-8A-4, §16-8A-5, §16-8A-6, §16-8A-7, §16-
7 8A-8, §16-8A-9, §16-8A-10 and §16-8A-11; that §30-27-1, §30-27-3, §30-27-6 §30-27-11a of said
8 code be amended and reenacted; and that said code be amended by adding thereto a new section,
9 designated §30-27-1a, all to read as follows:

10 **CHAPTER 16. PUBLIC HEALTH.**

11 **ARTICLE 8A. BASIC BARBERING.**

12 **§16-8A-1. Definitions.**

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

15 (a) “Basic barbering” means any one or any combination of the following acts when done on the
16 human body for compensation and not for the treatment of disease:

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

18 (2) Cutting, shampooing, arranging, dressing, or applying lotions or tonics on human hair, or a
19 wig or hairpiece; and

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

1 (b) “Basic barber apprentice” means a person that is participating in a basic barber apprenticeship
2 pursuant to section four of this article;

3 (c) “Basic barber shop” means a shop or other facility where a person practices basic barbering;

4 (d) “Board” means the West Virginia Board of Barbers and Cosmetologists established in article
5 twenty-seven, chapter thirty of this code;

6 (e) "Director" means the director as defined in section two, article one, chapter sixteen of this
7 code;

8 (f) “Licensed barber” means a barber licensed by the board;

9 (g) “Master barber” means a person that has practiced in this state for three years as a licensed
10 barber or a basic barber and has a barber shop licensed by the board or has a basic barber shop;

11 (h) “School of barbering” means a licensed school or any other school approved, permitted,
12 licensed, operated or recognized by any other state or by the United States or any territory, or any
13 branch of the Armed Forces of the United States that educates or trains persons in the profession of
14 barbering.

15 (i) "Shampoo assistant" means a person who performs only the 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 the skill of a basic barber.

19 **§16-8A-2. Basic barbering; exemption from professional licensure; qualifications; permit to**
20 **practice basic barbering.**

21 (a) Notwithstanding any provision of this code, any person who meets the requirements of
22 this article may perform basic barbering and may advertize or hold himself or herself out as engaging

1 or carrying on the business of basic barbering within this state without being licensed as a barber
2 pursuant to article twenty-seven, chapter thirty of this code.

3 (b) Notwithstanding any provision of this code, any basic barber operating a basic barbering
4 business or practice is not required to obtain a salon license or any other authorization to operate
5 from the Board of Barbers and Cosmetologists.

6 (c) A person may practice or perform acts of basic barbering in this state if that person:

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

8 (2) Has not been convicted of a felony or other crime involving moral turpitude;

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

11 (4) Presents to the director satisfactory evidence that he or she has either:

12 (A) Successfully completed a course of instruction from a school of barbering;

13 (B) Successfully completed a two year apprenticeship pursuant to section four of this article;

14 or

15 (C) Holds a license or other authorization to practice barbering in another state;

16 (5) Presents a certificate of health from a licensed physician to the director prior to the
17 commencement of doing any act of basic barbering;

18 (6) Meets all other requirements of this article.

19 (d) Upon application in a form as prescribed by the director, a person shall be issued a permit
20 to practice basic barbering upon a determination that the applicant meets all of the requirements of
21 this section to perform basic barbering in this state.

22 (e) Notwithstanding any provision of this code, a shampoo assistant is not required to obtain

1 a permit or any other authorization from a professional board or agency of this state and is not
2 required to obtain a basic barbering permit. A shampoo assistant is authorized to perform the
3 following basic barbering services:

4 (1) Shampooing and rinsing hair;

5 (2) Removing rollers or permanent rods; and

6 (3) Cleansing or other sink-related functions not requiring the skill of a basic barber.

7 **§16-8A-3. Duties and limited authority of the Department of Health and Human Resources.**

8 (a) On or before the first day of July, 2015, the director shall propose rules for legislative
9 approval in accordance with the provisions of article three, chapter twenty-nine-a of this code,
10 relating to standards for sanitary conditions of barbering businesses and equipment and general
11 physical requirements for facilities and equipment. The director's authority to promulgate rules
12 pursuant to this article is limited to rules addressing sanitary conditions of basic barbering
13 businesses, equipment and general physical requirements for facilities and equipment of basic
14 barbering businesses and the procedures for verifying training and educational qualifications required
15 by subsection (f), section four of this article.

16 (b) The rules promulgated in accordance with this section will require:

17 (1) That all basic barbering businesses comply with standard precautions relating to safety
18 and sterilization procedures for barbering businesses, including the use of antimicrobial solutions,
19 single use instruments and other instruments;

20 (2) That all rooms, facilities, bathrooms, toilets and adjoining rooms used in the place of
21 business are kept clean, sanitary, well lighted and ventilated at all times;

22 (3) That the use of chunk alum, powder puffs and styptic pencils in any shop is prohibited;

1 (4) That every basic barber, apprentice and employee of the basic barber shop cleans his or
2 her hands with soap and water immediately before serving any patron;

3 (5) That every patron is served with clean, freshly laundered linen that is kept in a closed
4 cabinet used for that purpose only. All linens, immediately after being used, must be placed in a
5 receptacle used for that purpose only; and

6 (6) That all rules promulgated in accordance with this section are kept posted in a
7 conspicuous place in the shop premises.

8 (c) The director or, at the direction of the director, the local health officer, shall annually
9 inspect or cause to be inspected every basic barber shop in the state as described in the manner
10 described in section six of this article. For that purpose, the director or his or her designee and the
11 local health officer have the right of entry and access at any reasonable time to inspect the premises
12 of any basic barber shop. The director or local health officer shall prohibit the use of any article not
13 in keeping with cleanliness and good sanitary conditions.

14 (d) The director or a local health officer may, with cause to believe an individual is practicing
15 basic barbering with a communicable disease as prohibited by section five of this article, require a
16 basic barber, basic barber apprentice or basic barber employee to submit to a physical examination
17 and file a certificate of health.

18 **§16-8A-4. Education and training requirements.**

19 (a) A person may qualify to practice as a basic barber if that person has successfully
20 completed a basic barber apprenticeship under the direct supervision of a master barber and has been
21 certified by the director as having met the requirements of this section.

22 (b) To be eligible to practice as a basic barber apprentice a person must:

- 1 (1) Be at least eighteen years of age;
- 2 (2) Not have been convicted of a felony or other crime involving moral turpitude;
- 3 (3) Have a high school diploma, a GED, or has passed the “ability to benefit test” approved
4 by the United States Department of Education; and
- 5 (4) Present to the director of health a certificate of health from a licensed physician.
- 6 (c) The basic barber apprentice shall work with a master barber to ensure accurate record
7 keeping including, but not limited to, daily hours attended, number of customers serviced and other
8 information to assist with ensuring completion of the apprentice program. A records form prescribed
9 by the director will be issued to the apprentice and master barber. Tracking of hours, services, and
10 apprenticeship progress will be indicated on the form.
- 11 (d) To be eligible to be a master barber a person must:
- 12 (1) Have an active barbering license or have practiced as a basic barber in West Virginia for
13 at least three years;
- 14 (2) Currently own or operate a barber shop in West Virginia that has at least two barber chairs
15 and have done so for at least three years; and
- 16 (3) Have submitted a completed application to the director.
- 17 (e) To be certified as a basic barber, a basic barber apprentice shall successfully complete
18 apprenticeship training in accordance with this section.
- 19 (f) The director shall propose rules for legislative approval, in accordance with the provisions
20 of article three, chapter twenty-nine-a of this chapter to implement the provisions of this section,
21 including:
- 22 (1) Procedures for making applications;

1 (2) Criteria and requirements for training, education and curriculum for apprenticeship,
2 including minimum hours of instruction and training;

3 (3) Procedures for certification of completion of apprenticeship.

4 **§16-8A-5. Health and health certificate requirements.**

5 (a) It is unlawful for a person to practice as a basic barber or a basic barber apprentice while
6 having an infectious, contagious or communicable disease.

7 (b) The director or a local health officer may, with cause, require a basic barber or basic
8 barber apprentice to submit to a physical examination and file a certificate of health.

9 **§16-8A-6. Inspection of basic barber shops.**

10 (a) No person may open or operate a basic barber shop in this state until it has been inspected
11 by the director or his or her designee and has been certified by the director to meet the following
12 criteria:

13 (1) That it is being operated by a basic barber or licensed barber;

14 (2) That all applicable fees have been paid;

15 (3) That the basic barber shop is being operated and maintained in accordance with the rules
16 promulgated pursuant to section three of this article.

17 (b) Every person proposing to operate a basic barber shop shall apply to the director of health
18 for an inspection and certificate thereof, and the director, or, at the direction of the director, the local
19 health officer of the county in which the basic barber shop is located, shall inspect the premises
20 described in such application as soon thereafter as may be practicable; but if it be impracticable to
21 do so within ten days after receiving such application, the director or county health officer may issue
22 to such applicant a temporary permit which shall be valid until a regular inspection is made.

1 (c) Barber shops that are licensed as a salon and inspected by the board, pursuant to section
2 seventeen, article twenty-seven, chapter 30 of this code, are exempt from inspection and the
3 certificate of inspection requirements of this article.

4 (d) Upon completing an inspection and finding that all of the requirements of this article and
5 all rules promulgated pursuant thereto have been satisfied, the director shall issue a certificate of
6 inspection to the basic barber shop. The certificate shall show the date of each inspection and the
7 notations relating thereto by the director of health. Each certificate or permit will expire one year
8 following its issuance and is not transferable.

9 (e) Every basic barber shop must post a certificate of inspection in the main public room of
10 such basic barber shop.

11 **§16-8A-7. Fees.**

12 The fees for inspections or a permit are:

13 (a) For an initial inspection as a prerequisite for a permit: \$50;

14 (b) For all other inspections: \$10;

15 (c) For an annual permit to operate a basic barber shop: \$10.

16 **§16-8A-8. Form and content of application for inspection; payment of fee.**

17 The applicant for inspection of a basic barber shop shall file with the director of health a
18 written application prescribed by the director of health, which shall set forth the physical address
19 and location of the building or premises in which the basic barber shop is to be located, the name,
20 address and contact information of the owner or lessor, and of the agent of any such owner or lessor
21 thereof and a full description of the building or property to be occupied and such other information
22 as may be required by the director of health. The fee for inspection shall be paid to the director of

1 health when the application is filed.

2 **§16-8A-9. Contents of certificate of inspection and permit; posting.**

3 Every certificate of inspection shall show that the basic barber shop is equipped and
4 conducted according to law, shall provide such other information as the director finds necessary and
5 shall be kept posted in some conspicuous place in the basic barber shop.

6 **§16-8A-10. Filing of certificate or permit with county commission.**

7 Any permit to operate a basic barber shop, or certificate of inspection thereof, shall be filed
8 with the county commission of the county in which the basic barber shop is located.

9 **§16-8A-11. Annual inspection of basic barber shops; duties of director of health.**

10 The director or, at the direction of the director, the local health officer, shall annually inspect
11 or cause to be inspected every basic barber shop in the state. For that purpose, the director or his or
12 her designee and the local health officer have the right of entry and access at any reasonable time to
13 inspect the premises of any basic barber shop. The director or local health officer shall prohibit the
14 use of any article not in keeping with cleanliness and good sanitary conditions.

15 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

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

17 **§30-27-1. Unlawful acts.**

18 (a) It is unlawful for any person to practice or offer to practice barbering, barber permanent
19 waving, cosmetology, aesthetics, or nail care in this state without a license issued under the
20 provisions of this article, or advertise or use any title or description tending to convey the impression
21 that the person is a licensed aesthetician, barber, barber crossover, barber permanent waviest,
22 cosmetologist, cosmetologist crossover or nail technician, unless the person has been licensed under

1 the provisions of this article, and the license has not expired, been suspended or revoked: Provided,
2 That it is lawful for a person to practice basic barbering in compliance with article eight-a, chapter
3 sixteen of this code without being licensed under the provisions of this article.

4 (b) No salon, except through a licensee, may render any service or engage in any activity
5 which if rendered or engaged in by an individual, would constitute the practices ~~licensed~~ for which
6 licensure under the provisions of this article is required.

7 (c) No school, except through a licensee, may instruct, render any service or engage in any
8 activity which if taught, rendered or engaged in by an individual, would constitute the practices
9 ~~licensed~~ under the provisions of this article.

10 **§30-27-1a. Basic barbering; exemption from licensure.**

11 (a) Upon meeting the requirements established in article eight-a, chapter sixteen of this code,
12 a person who performs basic barbering is exempt from licensure pursuant to this article and may
13 advertize or hold himself or herself out as engaging or carrying on the business of basic barbering
14 within this state without being licensed as a barber pursuant to this article.

15 (b) Notwithstanding the provisions of subsection (21), section five of this article and section
16 six of this article, the board has no authority to propose legislative rules to implement the provisions
17 of this section or exercise any jurisdiction or authority over the practice of or any acts of basic
18 barbering or the qualifications for a person to practice basic barbering.

19 **§30-27-3. Definitions.**

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

22 (a) “Aesthetics” or “esthetics” means any one or any combination of the following acts when

1 done on the human body for compensation and not for the treatment of disease:

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

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

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

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

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

13 (6) Applying artificial eyelashes and eyebrows; and

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

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

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

19 (d) "Basic barbering" means any one or any combination of the following acts when done
20 on the human body for compensation and not for the treatment of disease:

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

22 (2) Cutting, shampooing, arranging, dressing, or applying lotions or tonics on human hair,

1 or a wig or hairpiece; and

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

5 ~~(d)~~(e) “Barber” means a person licensed under the provisions of this article who engages in
6 the practice of barbering.

7 ~~(e)~~(f) “Barbering” means any one or any combination of the following acts when done on
8 the human body for compensation and not for the treatment of disease:

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

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

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

15 ~~(f)~~(g) “Barber crossover” or “cosmetologist crossover” is a person who is licensed to
16 perform barbering and cosmetology.

17 ~~(g)~~(h) “Barber permanent waving” means the following acts done on the human body for
18 compensation and not for the treatment of disease:

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

20 (2) The permanent waving of hair.

21 ~~(h)~~(i) “Barber permanent waviest” means a person licensed to perform barbering and barber
22 permanent waving.

1 ~~(i)~~(j) “Board” means the West Virginia Board of Barbers and Cosmetologists.

2 ~~(j)~~(k) “Certificate” means an instructor certificate to teach in a school under the provisions
3 of this article.

4 ~~(k)~~(l) “Certificate holder” means a person certified as an instructor to teach in a school under
5 the provisions of this article.

6 ~~(l)~~(m) “Cosmetologist” means a person licensed under the provisions of this article who
7 engages in the practice of cosmetology.

8 ~~(m)~~(n) “Cosmetology” means any one or any combination of the following acts when done
9 on the human body for compensation and not for the treatment of disease:

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

14 (2) Nail care;

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

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

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

22 (6) Performing aesthetics.

1 ~~(n)~~(o) “General supervision” means:

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

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

5 ~~(o)~~(p) “Hair braiding” means any one or any combination of the following acts when done
6 on the human body for compensation and not for the treatment of disease: Braiding, plaiting,
7 twisting, wrapping, threading, weaving, extending or locking of natural human hair by hand or
8 mechanical device.

9 ~~(p)~~(q) "Hair Styling" means any one or any combination of the following acts when done
10 on the human body for compensation and not for the treatment of disease:

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

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

17 ~~(q)~~(r) “Hair Stylist” means a person licensed under the provisions of this article who engages
18 in the practice of hair styling.

19 ~~(r)~~(s) “License” means a professional license, a salon license or a school license.

20 ~~(s)~~(t) “Licensed school” means a facility which has been approved by the West Virginia
21 Council for Community and Technical College Education pursuant to section nine, article two-b,
22 chapter eighteen-b of this code, to educate persons to be licensed or issued certain permits under the

1 provisions of this article.

2 ~~(t)~~(u) “Licensee” means a person, corporation or firm holding a license issued under the
3 provisions of this article.

4 ~~(u)~~(v) “Nail care” means any one or any combination of the following acts when done on
5 the human body for compensation and not for the treatment of disease:

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

7 (2) Performing artificial nail service; and

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

9 ~~(v)~~(w) “Nail technician” or “manicurist” means a person licensed under the provisions of
10 this article who engages in the practice of nail care.

11 ~~(w)~~(x) “Permit” means a work permit.

12 ~~(x)~~(y) “Permitee” means a person holding a work permit.

13 ~~(y)~~(z) “Professional license” means a license to practice as a aesthetician, barber, barber
14 crossover, barber permanent waviest, cosmetologist, cosmetologist crossover or nail technician.

15 ~~(z)~~(aa) “Registration” means a registration issued by the board to a person who rents or
16 leases a booth or chair from a licensed salon owner and operator, or both, or a registration issued by
17 the board to a person who is a student in a school.

18 ~~(aa)~~(bb) “Registrant” means a person who holds a registration under the provisions of this
19 article.

20 ~~(bb)~~(cc) “Salon” means a shop or other facility where a person practices under a professional
21 license.

22 ~~(cc)~~(dd) “Salon license” means a license to own and operate a salon in which a person

1 practices under a professional license.

2 ~~(dd)~~(ee) “Student registration” means a registration issued by the board to a student to study
3 at a school licensed under the provisions of this article.

4 **§30-27-6. Rulemaking.**

5 The board shall propose rules for legislative approval, in accordance with article three,
6 chapter twenty-nine-a of this code, to implement the provisions of this article, including:

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

8 (2) Procedures for examinations and reexaminations: *Provided*, That the board shall offer
9 examinations in all languages other than English if available to the board and requested by the
10 applicant;

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

13 (4) Educational and experience requirements;

14 (5) The passing grade on the examinations;

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

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

18 (8) A fee schedule;

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

20 *Provided*, That licensed barbers who have been licensed for more than ten years pursuant to this
21 article are exempt from continuing education requirements: *Provided* , *however*, That licensed
22 barbers who perform only basic barbering are exempt from continuing education requirements;

- 1 (10) The procedures for denying, suspending, revoking, reinstating or limiting the practice
- 2 of licensees, permittees, certificate holders and registrants;
- 3 (11) Designating the regions for investigators/inspectors;
- 4 (12) Criteria for the training of investigators/inspectors;
- 5 (13) Requirements for investigations and inspections;
- 6 (14) Requirements for inactive or revoked licenses, permits, certificates and registrations;
- 7 (15) Establishing the training program and requirements for instructors for schools licensed
- 8 under this article; Provided, That the board shall approve for credit for continuing education any
- 9 education course providing instruction in any curriculum, subject matter or discipline included in
- 10 education required for licensure that is submitted to the board or offered by:
- 11 (A) A licensed school or instructor;
- 12 (B) A manufacturer or distributor of barbering or cosmetology products;
- 13 (C) A barber or cosmetology trade organization; or
- 14 (D) Any course offered at an accredited private or public university, college or community
- 15 college in this state.
- 16 (16) Establishing operating procedures for salons and basic barber salons; and
- 17 (17) Any other rules necessary to effectuate the provisions of this article.

18 **§30-27-11a. Shampoo assistant.**

19 (a) ~~The board may establish a shampoo assistant permit. A shampoo assistant shall work~~

20 ~~at all times under the direct supervision of a licensed barber or cosmetologist and any permit issued~~

21 ~~by the board to work as a shampoo assistant does not allow a person to practice individually as a~~

22 ~~shampoo assistant~~ Notwithstanding any provision of this code, a shampoo assistant is not required

1 to obtain a permit or any other authorization from a professional board of this state and is not subject
2 to educational or training requirements. A shampoo assistant ~~shall~~ may work ~~all times under the~~
3 ~~direct supervision of a licensed barber or cosmetologist and any permit issued by the board to work~~
4 ~~as a shampoo assistant does not allow a person to practice individually as a shampoo assistant~~ at or
5 be employed by a salon or a basic barbering business or may practice individually as a shampoo
6 assistant.

7 (b) A shampoo assistant ~~is only authorized to perform~~ may perform the following basic
8 barbering services:

9 (1) Shampooing and rinsing hair;

10 (2) Removing rollers or permanent rods; and

11 (3) Cleansing or other sink-related functions not requiring the skill of a licensee or basic
12 barber.

13 (c) An applicant for a shampoo assistant permit ~~shall present satisfactory evidence that he~~
14 ~~or she:~~

15 (1) ~~Is at least sixteen years of age;~~

16 (2) ~~Is of good moral character;~~

17 (3) ~~Is in high school or has a high school diploma, a GED, or has passed the “ability to~~
18 ~~benefit test” approved by the United States Department of Education;~~

19 (4) ~~Has paid the applicable fee;~~

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

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

22 (7) ~~Has fulfilled any other requirement specified by the board.~~

- 1 ~~(d) The board may propose rules for legislative approval, in accordance with the provisions~~
2 ~~of article three, chapter twenty-nine-a of this code, to implement the provisions of this section,~~
3 ~~including:~~
- 4 ~~(1) The requirements and procedures for a shampoo assistant permit;~~
5 ~~(2) A fee schedule; and~~
6 ~~(3) Any other rules necessary to effectuate the provisions of this section.~~

NOTE: The purpose of this bill is to exempt basic barbers from licensure by the Board of Barbers and Cosmetologists; to authorize the practice of basic barbering; to establish qualifications and requirements to practice basic barbering; to establish a basic barber permitting system; to establish a basic barber apprenticeship program; to establish requirements for the operation of basic barber shops; to establish health certificate requirements for basic barbers and apprentices; to require annual inspections of basic barber shops; to limit continuing education requirements for licensed barbers; to exempt basic barbers from continuing education requirements; to require approval of certain continuing education courses by the Board of Barbers and Cosmetologists; to revoke the authority of the Board of Barbers and Cosmetologists to establish a shampoo assistant permit; and to revise requirements and limitations for shampoo assistants.

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

§§16-8A-1 *et seq.* and §30-27-1a are new; therefore, they have been completely underscored.