

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4607

BY DELEGATE HOWELL

[Introduced January 30, 2020; Referred to the
Committee on Government Organization.]

1 A BILL to amend and reenact §30-27-3 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact said code by adding thereto a new section, designated §30-27-17a,
3 all relating to authorizing the operation of mobile shops for hair, nail, cosmetology, and
4 aesthetics services; defining “mobile shop”; establishing prerequisites for operation of a
5 mobile shop; specifying mandatory features and systems; setting the term of licenses; and
6 requiring shop identification and display of license.

Be it enacted by the Legislature of West Virginia:

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-3. Definitions.

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

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

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

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

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

14 (4) The waxing and tweezing of hair on another person’s body;

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

16 (6) Applying artificial eyelashes and eyebrows; and

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

18 (b) "Aesthetician" or "esthetician" means a person licensed under the provisions of this
19 article who engages in the practice of aesthetics and has completed 600 clock hours of training.

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

22 (d) "Barber" means a person licensed under the provisions of this article who engages in
23 the practice of barbering and has completed a 1200 clock-hour barber training program without
24 chemical services or a 1500 clock-hour barber training program with chemical services, or has
25 successfully completed the barber apprenticeship program.

26 (e) "Barbering" means any one or any combination of the following acts when done on the
27 head and neck for compensation and not for the treatment of disease:

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

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

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

34 (f) "Barber crossover" is a person who has completed 1200 or 1500 clock hours of training,
35 is licensed as a barber, and completed additional hours of training in nails, aesthetics and/or
36 chemical services, to the total amount of 2100 hours, to perform cosmetology.

37 (g) "Barber permanent waving" means the following acts performed on the head and neck
38 for compensation and not for the treatment of disease:

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

40 (2) The permanent waving of hair.

41 (h) "Barber permanent wavist" means a person who has completed 2000 clock hours of
42 training and was licensed to perform barbering and barber permanent waving enrolled by August
43 28, 2012.

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

45 (j) "Certificate" means an instructor certificate to teach in a school under the provisions of
46 this article or a document issued by the board for certification obtained pursuant to §30-27-8b of
47 this code.

48 (k) "Certificate holder" means a person certified as an instructor to teach in a school under
49 the provisions of this article or who has obtained a certification pursuant to §30-27-8b of this code.

50 (l) "Cosmetologist" means a person licensed under the provisions of this article who
51 engages in the practice of cosmetology and who has completed 1800 clock hours of training.

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

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

58 (2) Nail care;

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

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

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

66 (6) Performing aesthetics.

67 (n) "Cosmetology crossover" is a person who has completed 1800 clock hours of training,
68 is licensed as a cosmetologist and completes an additional 300 hours of training in clipper cuts
69 and face shaving to perform barbering, for a total of 2100 hours.

70 (o) "General supervision" means:

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

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

75 (p) "Hair styling" means any one or any combination of the following acts when done on
76 the head and neck for compensation and not for the treatment of disease:

77 Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions,
78 curling, facial hair trimming, scalp treatments, waving, permanent waving, relaxing, straightening,
79 shampooing, singeing, bleaching, tinting, coloring, or similarly work on human hair, or a wig or
80 hairpiece, by any means, including hands, mechanical or electrical devices or appliances.

81 (q) "Hair stylist" means a person licensed under the provisions of this article who engages
82 in the practice of hair styling and who has completed 1000 clock hours of training, effective July
83 1, 2016.

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

85 (s) "Licensed school" means a facility which has been approved by the West Virginia
86 Council for Community and Technical College Education (CCTCE), Department of Education in
87 conjunction with CCTCE or Department of Education in conjunction with the Department of
88 Corrections pursuant to §18B-2B-9 of this code to educate persons to be licensed or issued
89 certain permits under the provisions of this article.

90 (t) "Licensee" means a person, corporation or firm holding a license issued under the
91 provisions of this article.

92 (u) "Mobile shop" means any self-contained, self-supporting, enclosed unit which is
93 constructed in either a motorized vehicle or a towable trailer as a portable facility for providing any
94 of the professional services set forth in this article to the public.

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

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

98 (2) Performing artificial nail service; and

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

100 ~~(v)~~ (w) “Nail technician” or “manicurist” means a person licensed under the provisions of
101 this article who engages in the practice of nail care and has completed 400 clock hours of training.

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

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

104 ~~(y)~~ (z) “Professional license” means a license to practice as an aesthetician, barber, barber
105 crossover, barber permanent wavist, cosmetologist, cosmetologist crossover, hairstylist or nail
106 technician.

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

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

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

114 ~~(cc)~~ (dd) “Salon license” means a license to own and operate a salon.

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

117 ~~(ee)~~ (ff) “Waxing specialist” means a person certified under the provisions of this article
118 who engages in the practice of waxing and tweezing of hair on another person’s body.

119 ~~(ff)~~ (gg) “Shampoo assistant” means a person certified under the provisions of this article
120 who engages in the practice of shampooing and rinsing hair; removing rollers or permanent rods

121 and cleansing or other sink-related functions not requiring the skill of a license. They must work
122 at all times under the direct supervision of a licensed barber, hairstylist or cosmetologist.

123 ~~(gg)~~ (hh) Hair braiding, threading and any other item not spelled out are not regulated by
124 the West Virginia Board of Barbers and Cosmetologists.

§30-27-17a. Mobile shops.

1 (a) Every mobile shop in this state offering services set forth in this article shall be operated
2 under the supervision and management of a professional licensee or certificate holder licensed
3 under this article.

4 (b) Prior to opening a mobile shop, any person, firm or corporation owning and/or operating
5 the mobile shop shall meet the following requirements to acquire a mobile shop license to do
6 business:

7 (1) Provide to the board a physical description and photographs of the exterior of the
8 mobile shop and, if applicable, its vehicle registration number to facilitate ready identification of
9 the mobile shop;

10 (2) Meet all board requirements and qualifications for a place of business, not incompatible
11 with a mobile facility, as are required by this article;

12 (3) Notify the board, in writing, at least 20 days before the proposed opening date, so there
13 can be an inspection of the mobile shop: *Provided*, That if an inspection is not made within 10
14 days of the opening of the mobile shop, or a mobile shop license to open has not been granted
15 or refused, then the mobile shop may open provisionally subject to a later inspection and to all
16 other provisions and rules provided in this article; and

17 (4) Pay all applicable fees.

18 (c) Every mobile shop shall be equipped with an electronic device, approved by the board
19 capable of transmitting its location as well as an identifying label or call sign to the board at all
20 times. This device shall be in operation at all times that the mobile shop is open and at additional
21 times specified by the board.

22 (d) If the mobile shop visits identified locations on a regular schedule, the managing
23 licensee shall provide a copy of the schedule to the board and shall notify the board in writing of
24 any changes to the regular schedule within five days of changing the schedule.

25 (e) Each mobile unit shall, at a minimum, be equipped with each of the following
26 functioning systems:

27 (1) A self-contained, potable water supply of not less than 100 gallons, and waste water
28 collection tanks shall be of adequate capacity.

29 (2) Continuous, on-demand hot water tanks which shall be not less than six-gallon
30 capacity; and

31 (3) A cooling and heating system sufficient to maintain a comfortable room temperature in
32 the mobile shop during all hours of operation.

33 (f) All mobile shop licenses must be renewed annually on or before July 1 and pay a
34 renewal fee.

35 (g) The mobile shop license shall be permanently displayed in the mobile shop and a
36 suitable sign shall be displayed at the entrance of the mobile shop which shall plainly indicate the
37 business conducted therein.

NOTE: The purpose of this bill is to authorize registration and operation of mobile shops for providing aesthetician, barber, barber crossover, barber permanent waviest, cosmetologist, cosmetologist crossover, hairstylist or nail technician services to the public.

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