

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 524

BY SENATOR BLAIR

[Introduced February 5, 2016;

Referred to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-27-1, §30-27-3, §30-27-4, §30-27-5, §30-27-8, §30-27-8a, §30-
 2 27-9, §30-27-10, §30-27-11, §30-27-12, §30-27-13, §30-27-14, §30-27-16, §30-27-17,
 3 §30-27-18 and §30-27-19 of the Code of West Virginia, 1931, as amended; and to amend
 4 said code by adding thereto a new section, designated §30-27-8b, all relating to the Board
 5 of Barbers and Cosmetologists; and making various changes throughout the article.

Be it enacted by the Legislature of West Virginia:

1 That §30-27-1, §30-27-3, §30-27-4, §30-27-5, §30-27-8, §30-27-8a, §30-27-9, §30-27-10,
 2 §30-27-11, §30-27-12, §30-27-13, §30-27-14, §30-27-16, §30-27-17, §30-27-18 and §30-27-19
 3 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that said code
 4 be amended by adding thereto a new section, designated §30-27-8b, all to read as follows:

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-1. Unlawful acts.

1 (a) It is unlawful for any person to practice or offer to practice barbering, barber permanent
 2 waving, cosmetology, hairstyling, makeup, waxing, shampoo assistants, aesthetics, or nail care
 3 in this state without a license or certification issued under the provisions of this article, or advertise
 4 or use any title or description tending to convey the impression that the person is a licensed or
 5 certified aesthetician, barber, barber crossover, barber permanent wavist, cosmetologist,
 6 cosmetologist crossover, hairstylist, hair braider, makeup artist, shampoo assistant, waxing
 7 specialist or nail technician, unless the person has been licensed or obtained certification under
 8 the provisions of this article, and the license or certification has not expired, been suspended or
 9 revoked.

10 (b) No salon, except through a licensee or certification, may render any service or engage
 11 in any activity which if rendered or engaged in by an individual, would constitute the practices
 12 licensed or certified under the provisions of this article.

13 (c) No school, except through a licensee certified instructor, may instruct, render any
 14 service or engage in any activity which if taught, rendered or engaged in by an individual, would

15 constitute the practices licensed under the provisions of this article.

§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, tweezing and threading 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 six hundred clock hours of
20 training.

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

23 (d) "Barber" means a person licensed under the provisions of this article who engages in
24 the practice of barbering and has completed a twelve hundred clock hour barber training program

25 without chemical services or a fifteen hundred clock hour barber training program with chemical
26 services, or has successfully completed the barber apprenticeship program.

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

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

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

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

35 (f) "Barber crossover" ~~or "cosmetologist crossover"~~ is a person who ~~is licensed to perform~~
36 ~~barbering and cosmetology~~ has completed twelve hundred or fifteen hundred clock hours of
37 training, is licensed as a barber, and completed additional hours of training in nails, aesthetics
38 and/or chemical services, to the total amount of twenty-one hundred hours, to perform
39 cosmetology.

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

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

43 (2) The permanent waving of hair.

44 (h) "Barber permanent waviest" means a person ~~licensed to perform barbering and barber~~
45 ~~permanent waving~~ who has completed two thousand clock hours of training and was licensed to
46 perform barbering and barber permanent waving enrolled by August 28, 2012.

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

48 (j) "Certificate" means an instructor certificate to teach in a school under the provisions of
49 this article or a document issued by the board for certification obtained pursuant to section eight-
50 b of this article.

51 (k) "Certificate holder" means a person certified as an instructor to teach in a school under
52 the provisions of this article or who has obtained a certification pursuant to section eight-b of this
53 article.

54 (l) "Cosmetologist" means a person licensed under the provisions of this article who
55 engages in the practice of cosmetology and who has completed eighteen hundred clock hours of
56 training.

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

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

63 (2) Nail care;

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

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

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

71 (6) Performing aesthetics.

72 (n) "Cosmetology crossover" is a person who has completed eighteen hundred clock hours
73 of training, is licensed as a cosmetologist and completes an additional three hundred hours of
74 training, in clipper cuts and face shaving, to perform barbering, for a total of twenty-one hundred
75 hours.

76 (o) "General supervision" means:

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

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

81 ~~(e) "Hair braiding" means any one or any combination of the following acts when done on~~
82 ~~the human body for compensation and not for the treatment of disease: Braiding, plaiting, twisting,~~
83 ~~wrapping, threading, weaving, extending or locking of natural human hair by hand or mechanical~~
84 ~~device.~~

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

87 ~~(4)~~ Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions,
88 curling, facial hair trimming, scalp treatments, waving, permanent waving, relaxing, straightening,
89 shampooing, ~~cleansing~~, singeing, bleaching, tinting, coloring, ~~waxing, tweezing, threading~~ or
90 similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical
91 or electrical devices or appliances;

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

94 (q) "Hair Stylist" means a person licensed under the provisions of this article who engages
95 in the practice of hair styling and who has completed one thousand clock hours of training,
96 effective July 1, 2016.

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

98 (s) "Licensed school" means a facility which has been approved by the West Virginia
99 Council for Community and Technical College Education (CCTC), Department of Education in
100 conjunction with CCTC or Department of Education with the Department of Corrections pursuant
101 to section nine, article two-b, chapter eighteen-b of this code, to educate persons to be licensed
102 or issued certain permits under the provisions of this article.

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

105 (u) "Nail care" means any one or any combination of the following acts when done on the
106 human body for compensation and not for the treatment of disease:

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

108 (2) Performing artificial nail service; and

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

110 (v) "Nail technician" or "manicurist" means a person licensed under the provisions of this
111 article who engages in the practice of nail care and has completed four hundred clock hours of
112 training.

113 (w) "Permit" means a work permit.

114 (x) "Permitee" means a person holding a work permit.

115 (y) "Professional license" means a license to practice as an aesthetician, barber, barber
116 crossover, barber permanent wavist, cosmetologist, cosmetologist crossover, hairstylist or nail
117 technician.

118 (z) "Registration" means a registration issued by the board to a person who rents or leases
119 a booth or chair from a licensed salon owner and operator, or both, or a registration issued by the
120 board to a person who is a student in a school.

121 (aa) "Registrant" means a person who holds a registration under the provisions of this
122 article.

123 (bb) "Salon" means a shop or other facility where a person practices under a professional
124 license.

125 (cc) "Salon license" means a license to own and operate a salon.

126 (dd) "Student registration" means a registration issued by the board to a student to study
127 at a school licensed under the provisions of this article.

128 (ee) "Makeup Artist" means a person certified under the provisions of this article who

129 engages in the practice of applying makeup and lashes.

130 (ff) "Waxing Specialist" means a person certified under the provisions of this article who
131 engages in the practice of waxing, tweezing and threading of hair on another person's body.

132 (hh) "Shampoo Assistant" means a person certified under the provisions of this article who
133 engages in the practicing of shampooing and rinsing hair; removing rollers or permanent rods and
134 cleansing or other sink related functions not requiring the skill of a license. They must work at all
135 times under the direct supervision of a licensed barber, hairstylist or cosmetologist.

136 (ii) Hair braiding, threading and any other item not spelled out are not regulated by the
137 West Virginia Board of Barbers and Cosmetologists.

§30-27-4. Board of Barbers and Cosmetologists.

1 (a) The West Virginia Board of Barbers and Cosmetologists is continued. The members
2 of the board in office on July 1, ~~2014~~ 2016, shall, unless sooner removed, continue to serve until
3 their respective terms expire and until their successors have been appointed and qualified.

4 (b) The Governor, by and with the advice and consent of the Senate, shall appoint:

5 (1) One licensed cosmetologist;

6 (2) One licensed barber or barber permanent waviest;

7 ~~(3) One licensed barber crossover or licensed barber permanent waviest;~~

8 ~~(4)~~ (3) One licensed aesthetician who is not a cosmetologist;

9 ~~(5)~~ (4) One licensed nail technician who is not a cosmetologist;

10 ~~(6)~~ (5) One representative from a privately owned beauty school licensed by the West
11 Virginia Council for Community and Technical College Education (CCTC), Department of
12 Education in conjunction with CCTC or Department of Education with the Department of
13 Corrections, who is not an active personal licensee holder or active marketplace participant; and

14 ~~(7)~~ (6) One Four citizen members representing the public, evenly distributed among the
15 congressional districts as practicable.

16 (c) After the initial appointment term, the term shall be for five years. All appointments to

17 the board shall be made by the Governor by and with the advice and consent of the Senate.

18 (d) Each licensed member of the board, at the time of his or her appointment, must have
19 held a professional license in this state for a period of not less than three years immediately
20 preceding the appointment.

21 (e) Each member of the board must be a resident of this state during the appointment
22 term.

23 (f) A member may not serve more than two consecutive full terms. A member may continue
24 to serve until a successor has been appointed and has qualified. A member serving on the board
25 on June 30, ~~2014~~2016, may be reappointed in accordance with the provisions of this section.

26 (g) A vacancy on the board shall be filled by appointment by the Governor for the
27 unexpired term of the member whose office is vacant and the appointment shall be made within
28 sixty days of the vacancy.

29 (h) The Governor may remove any member from the board for neglect of duty,
30 incompetency or official misconduct.

31 (i) A member of the board immediately and automatically forfeits membership to the board
32 if his or her license to practice is suspended or revoked, is convicted of a felony under the laws
33 of any jurisdiction or becomes a nonresident of this state or if the representative of the private
34 schools reinstates their personal license or any citizen member becomes licensed with the West
35 Virginia Board of Barbers and Cosmetologists.

36 (j) The board shall elect annually one of its members as chairperson who serves at the will
37 of the board.

38 (k) Each member of the board is entitled to compensation and expense reimbursement in
39 accordance with article one of this chapter.

40 (l) A majority of the members of the board constitutes a quorum.

41 (m) The board shall hold at least two annual meetings. Other meetings may be held at the
42 call of the chairperson or upon the written request of two members, at the time and place as

43 designated in the call or request.

44 (n) Prior to commencing his or her duties as a member of the board, each member shall
45 take and subscribe to the oath required by section five, article four of the Constitution of this state.

§30-27-5. Powers and duties of the board.

1 (a) The board has all the powers and duties set forth in this article, by rule, provided such
2 rule does not contradict the provisions of this article and does not exceed the authorities granted
3 in this article; in article one of this chapter and elsewhere in law.

4 (b) The board shall:

5 (1) Hold meetings, conduct hearings and administer examinations;

6 (2) Establish requirements for licenses, permits, certificates and registrations;

7 (3) Establish procedures for submitting, approving and rejecting applications for licenses,
8 permits, certificates and registrations;

9 (4) Determine the qualifications of any applicant for licenses, permits, certificates and
10 registrations;

11 (5) Prepare, conduct, administer and grade examinations for professional licenses and
12 certificates: Provided, That the examinations must meet national standards.

13 (6) Determine the passing grade for the examinations;

14 (7) Maintain records of the examinations the board or a third party administers, including
15 the number of persons taking the examinations and the pass and fail rate;

16 (8) Set operational standards and requirements for licensed schools: Provided, That a
17 licensed school shall have a minimum of one chair per student, available during practical
18 instruction.

19 (9) Hire, discharge, establish the job requirements and fix the compensation of the
20 executive director;

21 (10) Maintain an office, and hire, discharge, establish the job requirements and fix the
22 compensation of employees, investigators/inspectors and contracted employees necessary to

23 enforce the provisions of this article: *Provided*, That any investigator/inspector employed by the
24 board on July 1, 2009, shall retain their coverage under the classified service, including job
25 classification, job tenure and salary, until that person retires or is dismissed: *Provided, however*,
26 That nothing may prohibit the disciplining or dismissal of any investigator/inspector for cause;

27 (11) Investigate alleged violations of the provisions of this article, legislative rules, orders
28 and final decisions of the board;

29 (12) Establish the criteria for the training of investigators/inspectors;

30 (13) Set the requirements for investigations and inspections;

31 (14) Conduct disciplinary hearings of persons regulated by the board;

32 (15) Determine disciplinary action and issue orders;

33 (16) Institute appropriate legal action for the enforcement of the provisions of this article;

34 (17) Report violations of the provisions of this article, and legislative rules promulgated
35 pursuant to this article, alleged to have been committed by a licensed school to the West Virginia
36 Council for Community and Technical College Education or the Department of Education. ~~The~~
37 ~~board may continue to investigate any alleged violation that it receives by May 1, 2013, and shall~~
38 ~~conclude any such investigation by July 1, 2013.~~ If the board determines that probable cause
39 exists that a violation occurred, the board immediately shall advise and provide its investigation
40 file to the West Virginia Council for Community and Technical College Education or the
41 Department of Education;

42 (18) Maintain an accurate registry of names and addresses of all persons regulated by the
43 board;

44 (19) Keep accurate and complete records of its proceedings, and certify the same as may
45 be necessary and appropriate;

46 (20) Establish the continuing education requirements for professional licensees and
47 certificate holders;

48 (21) Issue, renew, combine, deny, suspend, revoke or reinstate licenses, permits,

49 certificates and registrations;

50 (22) Establish a fee schedule;

51 (23) Propose rules in accordance with the provisions of article three, chapter twenty-nine-
52 a of this code to implement the provisions of this article; and

53 (24) Take all other actions necessary and proper to effectuate the purposes of this article.

54 (c) The board may:

55 (1) Establish joint licenses;

56 (2) Contract with third parties to administer the examinations required under the provisions
57 of this article;

58 (3) Sue and be sued in its official name as an agency of this state;

59 (4) Confer with the Attorney General or his or her assistant in connection with legal matters
60 and questions.

61 (d) Notwithstanding any other provision of this code, the board may not restrict a certificate
62 holder or licensee from practicing his or her licensed craft at temporary on-site events in
63 connection with, but not limited to, fairs, carnivals, weddings, pageants, or photographs: *Provided,*
64 That the certificate holder or licensee is compliant with all other prescribed requirements and rules
65 under this code and they have notified the board of the date, time and place of the event. If an
66 out-of-state licensee works in a temporary capacity, less than five days, in connection with an
67 event or temporary commercial enterprise, they may be granted a temporary permit to work after
68 submitting their current license certification to this state and paying the applicable fee.

§30-27-8. Professional license requirements.

1 (a) An applicant for a professional license to practice as an aesthetician, barber, barber
2 crossover, barber permanent wavist, 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 “ability to benefit test” approved
7 by the United States Department of Education;

8 (4) Has graduated from a licensed school which has been approved by the West Virginia
9 Council for Community and Technical College Education (CCTC), Department of Education in
10 conjunction with CCTC or Department of Education with the Department of Corrections or has
11 completed education requirements in another state and meets the licensure provisions of the
12 board;

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

17 (6) Has paid the applicable fee;

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

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

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

21 (b) A license to practice issued by the board prior to July 1, ~~2009~~ 2016, shall for all
22 purposes be considered a professional license issued under this article: *Provided*, That a person
23 holding a license issued prior to July 1, ~~2009~~ 2016, must renew the license pursuant to the
24 provisions of this article.

§30-27-8a. Barber apprentice.

1 (a) The board may establish an apprenticeship program to become a barber. A barber
2 apprentice shall work at all times under the direct supervision of a licensed barber and any permit
3 issued by the board to work as a barber apprentice does not allow a person to practice individually
4 as a barber.

5 (b) An applicant for a barber apprenticeship shall present satisfactory evidence that he or
6 she:

- 7 (1) Is at least ~~eighteen~~ sixteen years of age;
- 8 (2) Is of good moral character;
- 9 (3) Is in high school or has a high school diploma, a GED, or has passed the “ability to
- 10 benefit test” approved by the United States Department of Education;
- 11 (4) Has paid the applicable fee;
- 12 (5) Has a certificate of health from a licensed physician;
- 13 (6) Is a citizen of the United States or is eligible for employment in the United States; and
- 14 (7) Has fulfilled any other requirement specified by the board.

15 (c) An applicant for a sponsor of a barber apprentice shall present satisfactory evidence
16 that he or she:

- 17 (1) Is licensed as a barber under the provisions of this article;
- 18 (2) Has paid the applicable fee; and
- 19 (3) Has fulfilled any other requirement specified by the board.

20 (d) A sponsor of a barber apprentice shall be a current licensed barber with at least five
21 years’ experience and has worked in a shop for the last five years.

22 (d)(~~e~~) The board may propose emergency rules and rules for legislative approval, in
23 accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement
24 the provisions of this section, including:

- 25 (1) The requirements for:
 - 26 (A) The barber apprenticeship program;
 - 27 (B) The barber apprentice permit; and
 - 28 (C) A licensed barber to sponsor a barber apprentice;
- 29 (2) Procedures for an examination;
- 30 (3) A fee schedule; and
- 31 (4) Any other rules necessary to effectuate the provisions of this section.

§ 30-27-8b. Certifications.

1 (a) The board shall issue a certification to an applicant who obtains training at a licensed
2 school or continuing education provider, in West Virginia, in the following areas:

3 (1) Waxing Specialist;

4 An applicant for a waxing specialist shall present satisfactory evidence that he or she:

5 (A) Is at least eighteen years of age;

6 (B) Is of good moral character;

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

9 (D) Has paid the applicable fee;

10 (E) Has a certificate of health from a licensed physician;

11 (F) Is a citizen of the United States or is eligible for employment in the United States;

12 (G) Has completed a 100 hour class that consists of: Professional Requirements, Safety
13 and Health, Skin Structure, Disorders and Diseases, Removal of Superfluous Hair and 25 hours
14 on the Clinic floor, supervised, for a total of 125 hours;

15 (H) If not currently licensed, must take the WV State law test; and

16 (I) Has fulfilled any other requirement specified by the board.

17 (2) Make-up Artist;

18 An applicant for a make-up artist shall present satisfactory evidence that he or she:

19 (A) Is at least eighteen years of age;

20 (B) Is of good moral character;

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

23 (D) Has paid the applicable fee;

24 (E) Has a certificate of health from a licensed physician;

25 (F) Is a citizen of the United States or is eligible for employment in the United States;

26 (G) Has completed a 50 hour class that consists of: State law/Regulatory rules,

27 Professionalism, ethics and conduct, Infection control/safety/sanitation, Makeup and color theory,
 28 Basic makeup application, and Specialty makeup and 25 hours on the Clinic floor, supervised, for
 29 a total of 75 hours;

30 (H) If not currently licensed, must take the West Virginia test; and

31 (I) Has fulfilled any other requirement specified by the board.

32 (b) The board shall issue any barber the 1500 clock hour level licensure who has
 33 previously completed a 1200 clock hour training program and who subsequently completes a 300
 34 clock hour certification program, in chemical services.

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

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

4 (1) Holds a license or other authorization to practice in another state which was granted
 5 after completion of educational requirements substantially equivalent to those required in this
 6 state and passed an examination that is substantially equivalent to the examination required in
 7 this state;

8 (2) Does not have charges pending against his or her license or other authorization to
 9 practice, and has never had a license or other authorization to practice revoked;

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

11 (4) Has paid the applicable fee;

12 (5) Is at least eighteen years of age;

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

15 ~~(5)~~ (7) Is a citizen of the United States or is eligible for employment in the United States;

16 ~~(6)~~ (8) Has presented a certificate of health issued by a licensed physician; and

17 ~~(7)~~ (9) Has fulfilled any other requirement specified by the board.

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

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

§30-27-10. Professional license and certificate renewal requirements.

1 (a) A professional licensee and certificate holder shall annually or biennially on or before
 2 January 1, renew his or her professional license or certificate by completing a form prescribed by
 3 the board, paying the renewal fee and submitting any other information required by the board.

4 (b) The board shall charge a fee for each renewal of a license or certificate, and a late fee
 5 for any renewal not paid by the due date.

6 (c) The board shall require as a condition of renewal of a professional license or certificate
 7 that each licensee or certificate holder complete continuing education: *Provided*, That a barber
 8 who has been licensed for twenty years or more is exempt from the continuing education
 9 requirement of this subsection but must take a three hour sanitation every other year up to twenty
 10 years: *Provided, however*, That the board shall approve for continuing education credit any
 11 education course providing instruction in any curriculum, subject matter or discipline included in
 12 the education required for licensure that is submitted to the board or offered by:

13 (1) A licensed school or instructor, outside of school instruction;

14 (2) A manufacturer or distributor of barbering, aesthetics, nail technology or cosmetology
 15 products;

16 (3) A barber or cosmetology trade organization; or

17 (4) Any course offered at an accredited private or public university, college or community

18 college in this state that relates to the profession or a general business class.

19 (d) The board may deny an application for renewal for any reason which would justify the
20 denial of an original application for a license or certificate.

21 (e) The board shall recognize reciprocity for military barbers for the purpose of the state
22 examination for barbers.

§30-27-11. Work permit.

1 (a) The board may issue a work permit to practice to an applicant who meets the following
2 conditions:

3 (1) Has graduated from a licensed school approved by the West Virginia Council for
4 Community and Technical College Education (CCTC), Department of Education in conjunction
5 with CCTC or Department of Education with the Department of Corrections or has completed
6 education requirements in another state and meets the licensure provisions of the board;

7 (2) Is waiting to take the examination;

8 (3) Has employment in the field in which he or she applied to take the examination and is
9 working under the general supervision of a professional licensee;

10 (4) Has paid the work permit fee;

11 (5) Has presented a certificate of health issued by a licensed physician;

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

13 (7) Meets all the other requirements specified by the board.

14 (b) A work permit expires at the end of the month after issuance following the next
15 examination in the specific field. A work permit may be renewed once.

16 (c) While in effect, a work permittee is subject to the restrictions and requirements imposed
17 by this article.

§30-27-12. Student registration.

1 (a) Prior to commencing studies in a licensed school, a student shall acquire a student
2 registration issued by the board.

3 (b) An applicant for a student registration shall present satisfactory evidence that he or
4 she meets the following conditions:

5 (1) Is enrolled as a student in a licensed school;

6 (2) Is of good moral character;

7 (3) Has paid the required fee;

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

9 (5) Is a citizen of the United States or is eligible for employment in the United States.

10 (c) The student registration is good during the prescribed period of study for the student.

11 (d) The student may perform acts constituting barbering, ~~barber permanent waving~~
12 hairstyling, cosmetology, aesthetics or nail care in a school under the general supervision of a
13 master or certified instructor.

§30-27-13. Display of professional license and permits.

1 (a) The board shall prescribe the form for a professional license and work and student
2 permits, including a photograph, and may issue a duplicate license or permit, upon payment of a
3 fee.

4 (b) Every professional licensee and work permittee shall display his or her license or permit
5 in a conspicuous place at his or her work station.

6 (c) Every student shall have available his or her student permit and be able to produce it
7 upon request.

8 (d) Every professional licensee, work permittee, or certificate holder, ~~or student~~ must
9 present such license, permit, certification or registration to an investigator/inspector or a board
10 member upon request.

§30-27-14. Health certificate requirements.

1 (a) It is unlawful for a person to practice as a professional licensee, certificate holder or be
2 a permittee or be a certified instructor while having an infectious, contagious or communicable
3 disease.

4 (b) The board may, with cause, require a professional licensee, permittee, certificate holder
5 or certified instructor to submit to a physical examination and file a certificate of health.

§30-27-16. Certification requirements to be an instructor in a school.

1 (a) The board may issue a certificate to be an instructor in a school to an applicant who
2 meets the following requirements:

3 (1) Meets the educational requirements established by the board;

4 (2) Has ~~completed the required instructor's training~~ passed a course in teaching
5 techniques at a post-secondary educational level;

6 (3) Has passed the instructor examination;

7 (4) Has paid the appropriate fees;

8 (5) Presents a certificate of health from a licensed physician;

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

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

11 (b) All instructor certifications must be renewed annually or biennially on or before January
12 1, and pay a renewal fee.

13 (c) A certification to be an instructor issued by the board prior to January 1, 2009, shall for
14 all purposes be considered a certification issued under this article: *Provided*, That a person
15 holding a certification issued prior to January 1, 2009, must renew the certification pursuant to the
16 provisions of this article.

17 (d) An instructor with an expired certificate must comply with the following to renew his or
18 her certificate:

19 (1) Notify the board that he or she wants to be placed on inactive status; or

20 (2) Pay all lapsed renewal fees;

21 (3) Present a new certificate of health; and

22 (4) Meet the qualifications for certification set out in this article.

23 (e) A certified instructor is not required to have an active professional license, unless the

24 instructor is in fact practicing outside the scope of his or her employment as an instructor.

§30-27-17. Salon license requirements.

1 (a) Prior to opening a salon, any person, firm or corporation owning and/or operating a
2 salon, and any person, firm or corporation practicing in a field authorized by this article, shall meet
3 the following requirements to acquire a salon license to do business:

4 (1) The salon has been approved by the board as having met all the requirements and
5 qualifications for the place of business as are required by this article;

6 (2) Notify the board, in writing, at least twenty days before the proposed opening date, so
7 there can be an inspection of the salon: *Provided*, That if an inspection is not made within ten
8 days of the opening of the salon, or a salon license to open has not been granted or refused, then
9 the salon may open provisionally subject to a later inspection and to all other provisions and rules
10 provided for in this article;

11 (3) Pay all applicable fees;

12 (4) All rooms, facilities, bathrooms, toilets and adjoining rooms used in the place of
13 business are kept clean, sanitary, well lighted and ventilated at all times. The use of chunk alum,
14 powder puffs and styptic pencils in any shop is prohibited;

15 (5) Every professional licensee, certificate holder, or permittee in the place of business
16 thoroughly cleans his or her hands with soap and water immediately before serving any patron;
17 and

18 (6) Every patron is served with clean, freshly laundered linen that is kept in a closed
19 cabinet used for that purpose only. All linens, immediately after being used, must be placed in a
20 receptacle used for that purpose only.

21 (b) All rules shall be kept posted in a conspicuous place in each place of business.

22 (c) All salon licenses must be renewed annually or biennially on or before July 1 and pay
23 a renewal fee.

24 (d) A license to operate a salon issued by the board prior to July 1, 2009, shall for all

25 purposes be considered a salon license issued under this article: *Provided*, That a person holding
26 a license issued prior to July 1, 2009, must renew the license pursuant to the provisions of this
27 article.

28 (e) The salon license shall be permanently displayed in the salon, and a suitable sign shall
29 be displayed at the main entrance of the salon which shall plainly indicate what type of salon is
30 being operated.

§30-27-18. Salon management requirements.

1 (a) Every salon in this state offering the 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) Any services set forth in this article may be conducted within the same salon. A suitable
5 sign shall be displayed at the main entrance of all salons plainly indicating the business conducted
6 therein.

§30-27-19. Booth or chair rental registration requirements.

1 (a) Any professional licensee or certificate holder who elects to rent or lease a booth or
2 chair from a licensed salon owner and/or operator must comply with the following to receive a
3 registration from the board:

4 (1) Register with the board;

5 (2) Register with the state Tax Division and present the registration to the board;

6 (3) Pay a registration fee;

7 (4) Notify the board of the length of any rental or lease agreement;

8 (5) State the name of the person or salon from which a chair or booth is being rented or
9 leased; and

10 (6) State the effective date of the rental or lease.

11 (b) If a person registered with the board pursuant to this section elects to move from one
12 salon to rent or lease a chair or booth from another salon, then he or she must register again with

13 the board and pay a fee.

14 (c) Each licensed salon owner and/or operator who elects to rent or lease chairs or booths
15 shall notify the board in writing of such rental or lease within ten days of the effective date of the
16 rental or lease.

17 (d) The board shall quarterly notify the State Tax Commissioner of all persons registered
18 pursuant to this section during the previous quarter. Such notice shall be in writing and shall
19 include the following:

20 (1) The names of all the registered professional licensees or certificate holders;

21 (2) The names of the salons where space is being rented or leased; and

22 (3) The length of time of each rental or lease agreement.

23 (e) All registrations must be renewed annually or biennially on or before July 1 and pay a
24 renewal fee.

25 (f) A registration to rent or lease a booth or chair issued by the board prior to July 1, 2009,
26 shall for all purposes be considered a registration issued under this article: *Provided*, That a
27 person holding a registration to rent or lease a booth or chair issued prior to July 1, 2009, must
28 renew the registration pursuant to the provisions of this article.

NOTE: The purpose of this bill is to rewrite the barber and cosmetologists article including the creation of certificate holders; changing definitions and licensing requirements and other technical changes.

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