

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 2691**

BY DELEGATES HAMRICK, MARTIN, WARD, HOWELL,  
BOGGS, ARVON, STORCH, WESTFALL, DEAN, MCGEEHAN  
AND FRICH

[Introduced February 24, 2017; Referred  
to the Committee on Government Organization.]

1 A BILL to amend and reenact §30-27-8 and §30-27-10 of the Code of West Virginia, 1931, as  
 2 amended, all relating to allowing a person who is qualified by training to be a barber and  
 3 a cosmetologist to elect to practice solely as a barber and maintain licensure through  
 4 continuing education subjects related to barbering.

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

1 That §30-27-8 and §30-27-10 of the Code of West Virginia, 1931, as amended, be  
 2 amended and reenacted, all to read as follows:

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

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

1 (a) An applicant for a professional license to practice as an aesthetician, barber, barber  
 2 crossover, cosmetologist, hair stylist, cosmetologist crossover or nail technician shall present  
 3 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 (CCTCE), Department of Education in  
 10 conjunction with CCTCE 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, 2016, shall for all purposes be

22 considered a professional license issued under this article: *Provided*, That a person holding a

23 license issued prior to July 1, 2016, must renew the license pursuant to the provisions of this

24 article.

25 (c) A person, who by education and experience qualifies to be a barber and a

26 cosmetologist or a barber crossover or cosmetologist crossover, may elect at any time to practice

27 solely as a barber and, after notice and application to the board, may be licensed as a barber

28 without other designation.

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

1 (a) A professional licensee and certificate holder shall annually on or before January 1,

2 renew his or her professional license or certificate by completing a form prescribed by the board,

3 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 class every other year up to~~

10 ~~twenty years: *Provided, however*, That the board shall approve for continuing education credit~~

11 ~~any education course providing instruction in any curriculum, subject matter or discipline included~~

12 ~~in the education required for licensure that is submitted to the board or offered by subject to the~~

13 following exceptions:

14 (1) When a barber or cosmetologist has been licensed and in practice for ten years, that

15 barber or cosmetologist will not be required to complete any continuing education other than a  
16 three-hour sanitation class every other year for a period of ten years; and

17 (2) A person, who by education and experience qualifies to be a barber and a  
18 cosmetologist or a barber crossover or cosmetologist crossover, may elect to be licensed solely  
19 as a barber and shall not be required to attend or participate in continuing education programs  
20 that are not required of licensed barbers.

21 (d) The board may approve for continuing education credit any education course providing  
22 instruction in any curriculum, subject matter or discipline included in the education required for  
23 licensure that is submitted to the board or offered by:

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

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

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

28 (4) Any course offered at an accredited private or public university, college or community  
29 college in this state that relates to the profession or a general business class.

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

32 ~~(e)~~ (f) The board shall recognize reciprocity for military barbers for the purpose of the state  
33 examination for barbers.

NOTE: The purpose of this bill is to allow persons qualified by training to be a barber and a cosmetologist to elect to practice solely as a barber and maintain licensure by taking continuing education solely in subjects related to barbering.

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