

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

HOUSE BILL No. 4591

(By Delegate 3 Given, Trump, Compton,  
Powe and Michael)



Passed March 9, 1996

In Effect Ninty Days From Passage

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WEST VIRGINIA

**ENROLLED**  
**H. B. 4591**

(By Delegates Given, Trump, Compton, Rowe and Michael)

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[Passed March 9, 1996; in effect ninety days from passage.]

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AN ACT to amend and reenact sections one and ten, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the board of barbers and cosmetologists; placing aestheticians under the authority of the board; permitting tropical birds in shops; and authorizing the promulgation of rules by the board of health to establish sanitation and safety requirements.

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

That sections one and ten, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

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

**§30-27-1. Board of barbers and cosmetologists; salary of board director; appointment, qualifications and terms of board members; compensation and expenses of members; powers and duties of board.**

- 1 (a) The board of barbers and beauticians heretofore
- 2 established is continued and shall be known henceforth as
- 3 the board of barbers and cosmetologists. The annual
- 4 salary of the director of such board shall be thirty-one
- 5 thousand seven hundred ninety-six dollars. All members

6 of the board, serving for a term which has not expired on  
7 the effective date of this article, shall continue to serve the  
8 terms for which they were appointed. The board shall  
9 promulgate rules pursuant to the provisions of article  
10 three, chapter twenty-nine-a of this code, pertaining to the  
11 licensure and qualifications of barbers, cosmetologists and  
12 manicurists, and curricula and standards of instruction for  
13 schools of barbering and beauty culture. The board shall  
14 aid and assist in the enforcement of all rules in accordance  
15 with the provisions of article fourteen, chapter sixteen of  
16 this code. The board shall consist of four professional  
17 members to be appointed by the governor, by and with the  
18 advice and consent of the Senate, and one lay member to  
19 be appointed in accordance with the provisions of section  
20 four-a, article one of this chapter. Of the four professional  
21 members, one shall be an employing barber, one an em-  
22 ployee barber, one an employing cosmetologist and one  
23 an employee cosmetologist. Each professional member of  
24 the board shall have been engaged within this state in the  
25 practice of barbering or beauty culture, as the case may  
26 be, for a period of five years prior to his or her appoint-  
27 ment and no more than two of the four professional mem-  
28 bers may belong to the same political party. No member  
29 of the board shall own or have a pecuniary interest in a  
30 barber or beauty culture school licensed by or doing busi-  
31 ness within this state or shall be employed by such an  
32 institution.

33 (b) On or before the thirtieth day of June of each  
34 year, the governor shall appoint one member of the board  
35 to serve for a term of four years, to begin on the first day  
36 of July. No professional member of the board may serve  
37 for more than two complete terms.

38 (c) The board shall designate one of its members as  
39 chairperson.

40 (d) Each member of the board shall receive as com-  
41 pensation a per diem of fifty dollars for each day of atten-  
42 dance at board sessions, but compensation for each mem-  
43 ber shall not exceed the sum of three thousand dollars in  
44 any calendar year. Each member shall be reimbursed for  
45 actual and necessary expenses incurred in the perfor-

46 mance of his or her duties, upon presentation of an item-  
47 ized sworn statement thereof.

48 (e) The board shall examine all applicants for licen-  
49 sure and shall issue licenses to those entitled thereto and  
50 collect examination and licensure fees, in accordance with  
51 regulations promulgated by the board of health pursuant  
52 to article fourteen, chapter sixteen of this code or the  
53 board of barbers and cosmetologists.

54 (f) It is unlawful for any person to practice or offer to  
55 practice barbering, beauty culture or manicuring in this  
56 state without first obtaining a license for such purposes  
57 from the board of barbers and cosmetologists.

58 (g) The board shall have the power to promulgate  
59 rules generally regarding the practice and conduct of  
60 barbering and beauty culture, including, but not limited to,  
61 the procedures, criteria and curricula for examination and  
62 qualifications of applicants for licensure, and for the li-  
63 censing of instructional personnel for schools of barber-  
64 ing and beauty culture, and the practice and conduct of  
65 aestheticians.

66 The power of the board to promulgate rules shall be  
67 concurrent with that of the board of health as authorized  
68 in article fourteen, chapter sixteen of this code: *Provided*,  
69 That in the case of conflicting provisions regarding re-  
70 quirements for health and sanitation, the rule of the board  
71 of health shall be deemed to apply. The board of health  
72 and the board of barbers and cosmetologists shall for a  
73 reasonable fee make available upon request to any licens-  
74 ee a copy of any rules.

**§30-27-10. Requirements to operate shops and schools; sani-  
tary rules and regulations.**

1 It shall be unlawful for any person, firm or corpora-  
2 tion to own or operate a beauty shop or barbershop, or a  
3 school of beauty culture or barbering, or to act as a bar-  
4 ber, beautician or manicurist, unless:

5 (a) The beauty shop, barbershop, or school of beauty  
6 culture or barbering shall before opening its place of  
7 business to the public, have been approved by the board as

8 having met all the requirements and qualifications for the  
9 places of business as are required by this article and for  
10 this purpose. It shall be the duty of the owner or operator  
11 of each beauty shop, barbershop, or school of beauty  
12 culture or barbering to notify the board, in writing, at least  
13 ten days before the proposed opening date of the shop or  
14 school, whereupon it shall become the duty of the board,  
15 through the inspectors herein provided for, to inspect that  
16 shop or school. Upon giving notice of the opening of any  
17 shop or school, the owner or operator shall pay to the  
18 board an inspection fee of twenty-five dollars. In the event  
19 the shop or school fails to meet the requirements of this  
20 article, and is not approved, the inspection fee shall be  
21 returned to the person paying same. Any shop or school  
22 meeting the prescribed requirements shall be granted a  
23 license permitting it to do business. If, however, after the  
24 lapse of ten days after the giving of the notice of opening  
25 to the board, an inspection is not made or a certificate of  
26 opening has not been granted or refused, the owner or  
27 operator of the shop or school may open provisionally  
28 subject to later inspection and to all other provisions and  
29 rules provided for in this article;

30 (b) All shops and schools, bathrooms, toilets and  
31 adjoining rooms used in connection therewith, are kept  
32 clean, sanitary, well lighted and ventilated at all times. The  
33 use of chunk alum, powder puffs and styptic pencils in  
34 any shop is prohibited;

35 (c) Each barber, beautician, manicurist, instructor and  
36 student shall thoroughly cleanse his or her hands with  
37 soap and water immediately before serving any patron;

38 (d) Each patron is served with clean, freshly laundered  
39 linen that is kept in a closed cabinet used for that purpose  
40 alone. All linens, immediately after being used, shall be  
41 placed in a receptacle used for that purpose alone.

42 The board of health shall prescribe any other rules in  
43 regard to sanitation and cleanliness in such shops and  
44 schools as it may deem proper and necessary: *Provided,*  
45 That these shops may contain a tropical bird for display  
46 purposes: *Provided, however,* That the board of health in  
47 consultation with the board of barbers and cosmetologists

48 and the board of veterinary medicine shall promulgate  
49 rules establishing minimum sanitary and safety require-  
50 ments designed to protect the health of both the public  
51 and the tropical birds. The director of health or inspectors  
52 designated pursuant to subsection (d), section one, article  
53 fourteen, chapter sixteen of the code shall have the power  
54 to enforce compliance. All rules shall be kept posted in a  
55 conspicuous place in each shop or school.

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

*Mark Schooner*  
Chairman Senate Committee

*Rudy Deaint*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Darrell E. Baker*  
Clerk of the Senate

*Bryan W. Bury*  
Clerk of the House of Delegates

*Earl Ray Tomblin*  
President of the Senate

*Robert C. Byrd*  
Speaker of the House of Delegates

The within is approved this the 28th  
day of March, 1996.

*Easton Capen*  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/27/96

Time

2:49 pm