

WEST VIRGINIA CODE: §30-27-3

§30-27-3. Definitions.

NOTE: West Virginia Code §30-27-3 was amended by two bills passed during the 2020 Regular Session of the Legislature. When two acts of the Legislature amend the same section of the Code without express recognition in the bill of the action of the other bill, the Legislative Manager makes no determination as to the appropriate, legal effect of the two acts. Therefore, both versions of this section are set out below.

House Bill 4607 (passed last on March 7, 2020) amended West Virginia Code §30-27-3 to read as follows:

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

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

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

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

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

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

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

(6) Applying artificial eyelashes and eyebrows; and

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

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

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

(d) "Barber" means a person licensed under the provisions of this article who engages in the

practice of barbering and has completed a 1,200 clock-hour barber training program without chemical services, or a 1,500 clock-hour barber training program with chemical services, or has successfully completed the barber apprenticeship program.

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

- (1) Shaving, shaping, and trimming the beard, or both;
- (2) Cutting, singeing, arranging, dressing, tinting, bleaching, or applying lotions or tonics on human hair, or a wig or hairpiece; and
- (3) Applications, treatments, or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting, or trimming of the hair or beard.

(f) "Barber crossover" is a person who has completed 1,200 or 1,500 clock hours of training, is licensed as a barber, and completed additional hours of training in nails, aesthetics, and/or chemical services, to the total amount of 2,100 hours, to perform cosmetology.

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

- (1) The bleaching or tinting of hair; and
- (2) The permanent waving of hair.

(h) "Barber permanent waviest" means a person who has completed 2,000 clock hours of training and was licensed to perform barbering and barber permanent waving enrolled by August 28, 2012.

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

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

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

(l) "Cosmetologist" means a person licensed under the provisions of this article who engages in the practice of cosmetology and who has completed 1,800 clock hours of training.

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

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

(2) Nail care;

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

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

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

(6) Performing aesthetics.

(n) "Cosmetology crossover" is a person who has completed 1,800 clock hours of training, is licensed as a cosmetologist, and completes an additional 300 hours of training in clipper cuts and face shaving to perform barbering, for a total of 2,100 hours.

(o) "General supervision" means:

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

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

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

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

(q) "Hair stylist" means a person licensed under the provisions of this article who engages in the practice of hair styling and who has completed 1,000 clock hours of training, effective July 1, 2016.

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

(s) "Licensed school" means a facility which has been approved by the West Virginia Council for Community and Technical College Education (CCTCE), Department of Education in

conjunction with CCTCE, or Department of Education in conjunction with the Department of Corrections pursuant to §18B-2B-9 of this code to educate persons to be licensed or issued certain permits under the provisions of this article.

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

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

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

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

(2) Performing artificial nail service; and

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

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

(x) "Permit" means a work permit.

(y) "Permitee" means a person holding a work permit.

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

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

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

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

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

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

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

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

House Bill 4099 (passed first on March 4, 2020) amended West Virginia Code §30-27-3 to read as follows:

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

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

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

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

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

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

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

(6) Applying artificial eyelashes and eyebrows; and

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

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

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

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

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

- (1) Shaving, shaping and trimming the beard, or both;
- (2) Cutting, singeing, arranging, dressing, tinting, bleaching, or applying lotions or tonics on human hair, or a wig or hairpiece; and
- (3) Applications, treatments or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting or trimming of the hair or beard.

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

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

- (1) The bleaching or tinting of hair; and
- (2) The permanent waving of hair.

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

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

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

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

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

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

- (1) Cutting, styling, shaping, arranging, braiding, weaving, dressing, adding extensions,

curling, waving, permanent waving, relaxing, straightening, cleansing, singeing, bleaching, tinting, coloring, waxing, tweezing, or similarly work on human hair, or a wig or hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

(2) Nail care;

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

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

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

(6) Performing aesthetics.

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

(o) "General supervision" means:

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

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

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

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

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

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

(s) "Licensed school" means a facility which has been approved by the West Virginia Council

for Community and Technical College Education (CCTCE), Department of Education in conjunction with CCTCE or Department of Education in conjunction with the Department of Corrections pursuant to section nine, article two-b, chapter eighteen-b of this code to educate persons to be licensed or issued certain permits under the provisions of this article.

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

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

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

(2) Performing artificial nail service; and

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

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

(w) "Permit" means a work permit.

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

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

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

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

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

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

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

(ee) "Waxing specialist" means a person certified under the provisions of this article who engages in the practice of waxing and tweezing of hair on another person's body.

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