

Rec., Mar. 1, 1934

ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 102

(By Mr. Summerfield)

Passed February 27 1934

In Effect 90 days from Passage

Originated in the House of Delegates. Takes effect. Passage
Clerk of House of Delegates.

CORRECTLY ENROLLED

Chairman House Committee.
Chairman Senate Committee.

ENROLLED BILL

(H. B. No. 102)

[Passed February 27, 1934; in effect ninety days from passage.]

AN ACT to regulate the practice of barbering and beauty culture; to provide for the examination and registration of barbers, beauticians and apprentices, and the licensing of schools of barbering and beauty culture and fixing the fees thereof; to establish a state committee of barbers and beauticians and define its powers and duties, to provide for the promulgation of sanitary regulations for barbers and beauticians, barber and beauty shops and schools of barbering and beauty culture, to provide for physical examinations and certificates of health of barbers and beauticians and apprentices, to regulate barber and beauty shops and schools of barbering and beauty culture, and to provide penalties for the violation of the provisions hereof.

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James L. Smith

Chairman House Committee.

Be it enacted by the Legislature of West Virginia:

That a new article, regulating the practice of barbering and beauty culture, is hereby added to chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, to be known as article twelve to read as follows:

Section 1. There is hereby created as a division of the state department of public health, and under its jurisdiction, the state committee of barbers and beauticians. The word "committee", as used hereafter in this bill, shall refer to and shall mean the state committee of barbers and beauticians hereby created.

It shall be unlawful for any person to practice, or offer to practice, barbering or beauty culture in this state without first obtaining a certificate of registration for such purpose from the committee. All applicants shall be required to submit to an examination, both physical and practical, as hereinafter provided.

Sec. 2. For the purpose of this article "barbering" shall mean any one or any combination of the following acts, when done on the human body for pay or reward, and not for the treatment of disease, to-wit: shaving, shaping and trimming

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5 the beard, cutting, singeing, shampooing or dyeing the hair, or
6 applying tonics thereto; applications, treatment or massages
7 of the face, neck or scalp with oils, creams, lotions, cosmetics,
8 antiseptics, powders, clays or other preparations.

9 Manicuring and beauty culture shall mean any one of, or
10 any combination of the foregoing, or of curling, permanent
11 waving, arranging, dressing, coloring, bleaching or tinting
12 the hair, except that such acts shall not be deemed barbering
13 or beauty culture when done by duly licensed physicians, sur-
14 geons, nurses or morticians in the proper discharge of their
15 professional duties.

Sec. 3. The committee shall consist of the commissioner of
2 health, ex officio, and four other members to be appointed by
3 the governor, by and with the consent of the senate, and sub-
4 ject to removal by the governor at his will and pleasure. Of
5 the four members thus appointed, one shall be an employing
6 barber, one an employee barber, one shall be an employing
7 beautician, and one shall be an employee beautician. One of
8 the four so appointed shall be a member of the colored race.
9 Each member of the committee so appointed shall have been
10 engaged within this state in the practice of barbering or beau-

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11 ty culture, as the case may be, for a period of eight years
12 immediately prior to his appointment, and not more than two
13 of the four members of the committee so appointed shall be-
14 long to the same political party.

15 Within sixty days after this act becomes effective, the gov-
16 ernor shall appoint one member to said committee for a term
17 of four years, one member for a term of three years, one
18 member for a term of two years, and one member for a term
19 of one year, and on or before the expiration of the terms of
20 appointment as hereinabove provided, and each year there-
21 after, the governor shall appoint one member of the commit-
22 tee to serve for four years. Any member of the committee so
23 appointed shall be eligible for reappointment.

24 The commissioner of health shall be ex officio chairman of
25 the committee, and the enforcement of all rules and regula-
26 tions promulgated by the committee pertaining to sanitary
27 conditions of barber and beauty shops and pertaining to the
28 registration and qualification of barbers and beauty culturists
29 shall be under his personal supervision and direction; but no
30 order, rule, or regulation promulgated by the committee shall
31 be in force and effect unless and until approved by the com-

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32 missioner of health. The said committee shall designate one
33 of its members, or some other person, to act as secretary of the
34 committee, and it shall be the duty of said secretary to keep
35 the records of the committee and perform all other duties
36 prescribed by the committee.

37 Each member of the committee, except the chairman, shall
38 receive as compensation a per diem of ten dollars for each
39 day said member is actually in attendance upon the sessions
40 of the committee, plus an allowance for expenses which shall
41 not exceed four dollars for each day of such attendance, but
42 such compensation for each member, exclusive of the allow-
43 ance for expenses, shall not exceed the sum of three hundred
44 dollars in any calendar year.

45 The committee shall examine all applicants for certificates
46 of registration and issue said certificates to those entitled
47 thereto; collect examination and registration fees; promul-
48 gate rules and regulations governing the operation of barber
49 shops, beauty shops, and schools of barbering and beauty
50 culture, including the prescribing of curriculums and stan-
51 dards of instruction for such schools; promulgate rules and
52 regulations for the physical examination of barbers, beauti-

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53 cians and apprentices, and fix the standard form of report
54 of such examination; establish and enforce sanitary regula-
55 tions in barber shops, beauty shops, and schools of barbering
56 and beauty culture; enforce all such rules and regulations as
57 are herein authorized; and to do all other things necessary to
58 effectuate the purposes of this act in the interest and pro-
59 tection of the public health.

60 The commissioner of health shall appoint not to exceed
61 six inspectors, who shall be qualified barbers and beauticians
62 of this state, as herein provided, and it shall be their duty to
63 make frequent inspections of all barber and beauty shops,
64 schools of barbering and beauty culture in this state, and
65 report all violations to the commissioner of health. The sal-
66 aries of such inspectors shall be fixed by the commissioner of
67 health, and such inspectors may, in the discretion of the com-
68 missioner of health, be employed for full time work, but the
69 salary of each full time inspector shall not exceed one hun-
70 dred dollars per month, plus such allowance for expenses as
71 may be approved by the committee.

Sec. 4. Every general regulation adopted by the committee
2 shall state the day on which it takes effect, and a copy thereof,

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3 duly signed by the commissioner of health, shall be filed in
4 the office of the secretary of state, and shall be published in
5 such manner as the committee may determine. Any violation
6 of any regulation so promulgated, when said regulation is
7 reasonable and not inconsistent with law, shall be cause or
8 grounds for canceling and revoking the certificate of regis-
9 tration issued such violator and/or for refusal to renew or
10 reissue the same.

11 The expenditures of the committee shall not in any year
12 exceed the amount of fees collected by the committee for that
13 year. All money collected and received by the committee
14 under the provision of this act shall belong to the state and
15 the committee or its secretary shall immediately turn same
16 into the state treasury of the state and record shall be made
17 thereof; and the expenditures herein provided for, when
18 authorized by the committee, shall be paid out by warrant on
19 the treasurer of the state in form and manner provided by
20 law.

Sec. 5. An applicant for registration shall present satisfac-
2 tory evidence that he or she is at least eighteen years of age,
3 of good moral character and temperate habits, has completed

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4 at least the eighth grade of grammar school, or the equivalent
5 thereof, and has graduated from a school of barbering or
6 beauty culture approved by the state committee of barbers
7 and beauty culturists or has served as an apprentice for at
8 least twenty-four months, and shall transmit with his applica-
9 tion an examination fee of twenty dollars. The examination
10 shall be of such character as to determine the qualifications
11 and fitness of the applicant to practice barbering and beauty
12 culture as defined by this article, and shall cover such subjects
13 as the committee may deem proper. If the applicant success-
14 fully passes such examination and is otherwise duly qualified,
15 and presents the proper certificate of health, the committee
16 shall register the applicant as a duly qualified barber or
17 beauty culturist, and shall issue to the applicant a certificate
18 of registration authorizing the applicant to practice barbering
19 or beauty culture in this state: *Provided, however,* That an
20 applicant who has been engaged in the practice of barbering
21 or beauty culture in this state at least one year prior to the
22 passage of this bill shall not be required to pass said exami-
23 nation nor pay such examination fee. The committee shall

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24 charge for every certificate of registration (or duplicate there-
25 of) issued by it a fee of five dollars.

Sec. 6. Every registered barber or beauty culturist who
2 desires to continue in active practice or service shall, annually
3 on or before the first day of January, renew his certificate of
4 registration and pay an annual renewal fee of five dollars.
5 A registered barber or beauty culturist whose certificate of
6 registration has expired may have his certificate of registra-
7 tion restored only upon payment of the required renewal fee.
8 All applicants or renewals made by barbers or beauticians
9 shall submit to the Wassermann blood test and shall submit
10 the report thereon with a certificate of health from a licensed
11 physician to the committee.

Sec. 7. No person shall in this state serve as an apprentice
2 of a barber or beauty culturist without first obtaining from
3 the committee of barbers and beauty culturists a certificate
4 of registration as apprentice. An applicant for registration
5 as apprentice shall present satisfactory evidence that he is at
6 least sixteen years of age, of good moral character and tem-
7 perate habits, and has completed at least the eighth grade
8 of grammar school or the equivalent thereof. If the applicant

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9 is otherwise qualified and presents the proper certificate of
10 health, upon the payment of a fee of two dollars and fifty
11 cents the committee shall register the applicant as an appren-
12 tice barber or beauty culturist, and shall issue to the applicant
13 a certificate as such, which certificate shall be renewed annu-
14 ally by filing a certificate of health with the committee and pay-
15 ing a renewal fee of two dollars and fifty cents. An apprentice
16 may perform any or all the acts constituting barbering or
17 beauty culture under the immediate personal supervision of
18 a registered barber or beauty culturist, but not otherwise.

Sec. 8. Every person practicing barbering or beauty cul-
2 ture and every apprentice shall display his certificate of regis-
3 tration in a conspicuous place in the shop wherein he practices
4 or is employed and whenever required shall exhibit such
5 certificate to the state committee of barbers and beauty cul-
6 turists or its authorized representative.

Sec. 9. Every barber or beauty shop in this state shall be
2 operated under the supervision and management of a barber
3 or beauty culturist who has been registered in this state. Not
4 more than one apprentice shall be employed in a barber or
5 beauty shop in the state. No person shall operate a barber

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6 or beauty shop in a dwelling house or in a place where food
7 stuffs are handled or sold unless the shop is separated by
8 partitions extending from floor to ceiling.

Sec. 10. No person shall operate a school of barbering or
2 beauty culture in this state without first obtaining a license
3 to do so from the committee, and no license for such a school
4 shall be issued to any person unless he or she is registered
5 within this state as a duly qualified barber or beauty culturist.

6 All applicants for license to operate a school of barbering or
7 beauty culture shall submit to an examination by the commit-
8 tee. After passing said examination a permit shall be issued
9 to such applicant to open such school. All instructors in any
10 such school of barbering or beauty culture shall first qualify
11 by passing an examination submitted by the committee.
12 Every instructor in such a school, located within this state,
13 shall be a duly registered barber or beauty culturist.

14 The license fee for each school of barbering and for each
15 school of beauty culture shall be twenty-five dollars annually,
16 to be paid in such manner as the committee may prescribe,
17 on or before January first of each year. The license shall be
18 prominently displayed in the school, and a suitable sign shall

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19 be kept on the front of the school which shall plainly indicate
20 that a school of barbering and/or beauty culture is operated
21 therein.

Sec. 11. No person shall practice barbering or beauty cul-
2 ture or serve as an apprentice in this state while having an
3 infectious, contagious or communicable disease. No person
4 shall be registered as a barber, beautician or apprentice until
5 he or she shall have obtained a certificate of health from a
6 licensed physician under article three of this chapter certify-
7 ing said person to be free of all infectious, contagious and
8 communicable diseases; which certificate shall be filed with
9 the state committee of barbers and beauticians within ten
10 days after the examination of the person is made by the phy-
11 sician, and photograph of the applicant must accompany the
12 application with such certificate. The certificate shall be in
13 such form as the committee may prescribe. A like certificate
14 must be filed with the committee before any certificate is re-
15 newed, and the examination must have been made within
16 thirty days prior to the beginning of the renewal period. The
17 committee shall be empowered to compel any registered bar-

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18 ber, beautician or apprentice to submit to a physical examina-
19 tion and file a certificate of health at any time.

Sec. 12. The state committee of barbers and beauticians
2 shall prescribe such rules and regulations in regard to sani-
3 tation and cleanliness in barber and beauty shops and schools
4 of barbering and beauty culture in the state as it may deem
5 proper and necessary, and shall have power to enforce com-
6 pliance therewith. Such rules and regulations shall be kept
7 posted in a conspicuous place in every barber and beauty shop
8 and school of barbering and beauty culture in the state.

Sec. 13. The committee may refuse to issue a certificate of
2 registration to any applicant, or may refuse to renew, or may
3 suspend or revoke the same for any holder thereof, for any
4 of the following causes: (1) conviction of the commission
5 of a felony, as shown by a certified copy of the record of the
6 court of conviction; (2) obtaining or attempting to obtain a
7 certificate of registration to practice barbering and/or beauty
8 culture in this state by false pretences, fraudulent misrep-
9 sentation, or bribery by the use of money or other considera-
10 tion; (3) gross incompetency; (4) the continued practice of
11 barbering and/or beauty culture by a person knowing himself

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12 or herself to be afflicted with a contagious or infectious dis-
13 ease; (5) the use knowingly of any false or deceptive state-
14 ments in advertising; (6) habitual drunkenness, or habitual
15 addiction to the use of morphine, cocaine or other habit-
16 forming drugs.

Sec. 14. Any violation of the provisions of this article shall
2 constitute a misdemeanor punishable upon conviction, by a
3 fine of not less than ten dollars nor more than one hundred
4 dollars, and, at the discretion of the court, by imprisonment
5 in the county jail for not more than sixty days. Justices of
6 the peace shall have concurrent jurisdiction with circuit and
7 criminal courts for the enforcement of this article and the
8 rules and regulations promulgated by the state committee of
9 barbers and beauticians.

Sec. 15. Unless otherwise specially provided herein, the
2 provisions of article one, chapter thirty of the code of West
3 Virginia, shall apply to the state committee of barbers and
4 beauticians.

Sec. 16. There is hereby appropriated out of the treasury,
2 payable only out of the collections provided for by this article,
3 such moneys as are authorized by this article to be spent to

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4 carry out the provisions of this article. All surplus funds from
5 the collections provided in this article accruing within any
6 fiscal year shall, at the close of the fiscal year, be, and the same
7 are hereby transferred to the credit of the funds appropriated
8 for the state department of health, and shall become available
9 in the manner provided by law for expenditure by that de-
10 partment.

Sec. 17. The various provisions of this act shall be con-
2 strued as separable and several, and should any of the pro-
3 visions or parts thereof be construed or held to be unconstitu-
4 tional, or for any other reason invalid, the remaining provi-
5 sions of this act shall not be thereby affected. All acts and
6 parts of acts in conflict with the provisions of this act, or any
7 part thereof, are hereby repealed. Any ordinances of any
8 municipalities in this state now in effect and having for their
9 purpose the regulation of the practice of barbering or beauty
10 culture, which are in conflict with the provisions of this act,
11 or any part thereof, shall be null and void and of no effect on
12 and after the date this act goes into effect.

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A. B. Abbot
.....
Chairman Senate Committee.

R. M. Hines
.....
Speaker of the House of Delegates.

J. S. Hall
.....
Clerk of the House of Delegates.

A. M. Mainwaring
.....
President of the Senate.

Samuel A. Muly
.....
Clerk of the Senate.

James L. Smith
.....
Chairman House Committee.

The within is.....

this.....day of....., 1934.

Filed in the office of the Secretary of State
of West Virginia MAR 8 1934
Wm. S. O'BRIEN,
Secretary of State

.....
Governor.