ENROLLED BILL
(SECOND EXTRAORDINARY SESSION, 1933)

House Bill No. 102

(By Mr. Summersfield)

Passed February 27, 1934

In Effect 90 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.
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
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-
ty culture, as the case may be, for a period of eight years immediately prior to his appointment, and not more than two of the four members of the committee so appointed shall belong to the same political party.

Within sixty days after this act becomes effective, the governor shall appoint one member to said committee for a term of four years, one member for a term of three years, one member for a term of two years, and one member for a term of one year, and on or before the expiration of the terms of appointment as hereinabove provided, and each year thereafter, the governor shall appoint one member of the committee to serve for four years. Any member of the committee so appointed shall be eligible for reappointment.

The commissioner of health shall be ex officio chairman of the committee, and the enforcement of all rules and regulations promulgated by the committee pertaining to sanitary conditions of barber and beauty shops and pertaining to the registration and qualification of barbers and beauty culturists shall be under his personal supervision and direction; but no order, rule, or regulation promulgated by the committee shall be in force and effect unless and until approved by the com-
missioner of health. The said committee shall designate one of its members, or some other person, to act as secretary of the committee, and it shall be the duty of said secretary to keep the records of the committee and perform all other duties prescribed by the committee.

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

The committee shall examine all applicants for certificates of registration and issue said certificates to those entitled thereto; collect examination and registration fees; promulgate rules and regulations governing the operation of barber shops, beauty shops, and schools of barbering and beauty culture, including the prescribing of curriculums and standards of instruction for such schools; promulgate rules and regulations for the physical examination of barbers, beauti-
cians and apprentices, and fix the standard form of report
of such examination; establish and enforce sanitary regula-
tions in barber shops, beauty shops, and schools of barbering
and beauty culture; enforce all such rules and regulations as
are herein authorized; and to do all other things necessary to
effectuate the purposes of this act in the interest and pro-
tection of the public health.

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

Sec. 4. Every general regulation adopted by the committee
shall state the day on which it takes effect, and a copy thereof,
duly signed by the commissioner of health, shall be filed in
the office of the secretary of state, and shall be published in
such manner as the committee may determine. Any violation
of any regulation so promulgated, when said regulation is
reasonable and not inconsistent with law, shall be cause or
grounds for canceling and revoking the certificate of regis-
tration issued such violator and/or for refusal to renew or
reissue the same.

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

Sec. 5. An applicant for registration shall present satisfac-
tory evidence that he or she is at least eighteen years of age,
of good moral character and temperate habits, has completed
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
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
9 is otherwise qualified and presents the proper certificate of health, upon the payment of a fee of two dollars and fifty cents the committee shall register the applicant as an apprentice barber or beauty culturist, and shall issue to the applicant a certificate as such, which certificate shall be renewed annually by filing a certificate of health with the committee and paying a renewal fee of two dollars and fifty cents. An apprentice may perform any or all the acts constituting barbering or beauty culture under the immediate personal supervision of a registered barber or beauty culturist, but not otherwise.

Sec. 8. Every person practicing barbering or beauty culture and every apprentice shall display his certificate of registration in a conspicuous place in the shop wherein he practices or is employed and whenever required shall exhibit such certificate to the state committee of barbers and beauty culturists or its authorized representative.

Sec. 9. Every barber or beauty shop in this state shall be operated under the supervision and management of a barber or beauty culturist who has been registered in this state. Not more than one apprentice shall be employed in a barber or beauty shop in the state. No person shall operate a barber
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
be kept on the front of the school which shall plainly indicate
that a school of barbering and/or beauty culture is operated
therein.

Sec. 11. No person shall practice barbering or beauty cul-
ture or serve as an apprentice in this state while having an
infectious, contagious or communicable disease. No person
shall be registered as a barber, beautician or apprentice until
he or she shall have obtained a certificate of health from a
licensed physician under article three of this chapter certify-
ing said person to be free of all infectious, contagious and
communicable diseases; which certificate shall be filed with
the state committee of barbers and beauticians within ten
days after the examination of the person is made by the phy-
sician, and photograph of the applicant must accompany the
application with such certificate. The certificate shall be in
such form as the committee may prescribe. A like certificate
must be filed with the committee before any certificate is re-
newed, and the examination must have been made within
thirty days prior to the beginning of the renewal period. The
committee shall be empowered to compel any registered bar-
Sec. 12. The state committee of barbers and beauticians shall prescribe such rules and regulations in regard to sanitation and cleanliness in barber and beauty shops and schools of barbering and beauty culture in the state as it may deem proper and necessary, and shall have power to enforce compliance therewith. Such rules and regulations shall be kept posted in a conspicuous place in every barber and beauty shop and school of barbering and beauty culture in the state.

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

A. B. HALE
Chairman Senate Committee.

The within is............................................................

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

Filed in the office of the Secretary of State
of West VirginiaMAR 6, 1934
Wm. S. O'BRIEN,
Secretary of State

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Governor.

[Enrolled H. B. No. 102]

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

No. L. Wецw
Clerk of the House of Delegates.

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President of the Senate.

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Clerk of the Senate.

Wm. S. O'BRIEN
Secretary of State.