ENROLLED

House Bill No. 80
(By Mrs. Walker)

[Passed March 7, 1951: in effect July 1, 1951.]

AN ACT to repeal chapter eighty-two, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, as last amended by chapter thirty, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, and to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, to be designated article fourteen, relating to the regulation of barbering and beauty culture and of schools of barbering and beauty culture.

Be it enacted by the Legislature of West Virginia:

That chapter eighty-two, acts of the Legislature, second extraordinary session, one thousand nine hundred thirty-three, as last amended by chapter thirty, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be repealed, and that chapter sixteen of the code of West Virginia, one thou-
sand nine hundred thirty-one, as amended, be amended by adding thereto a new article, to be designated article fourteen, to read as follows:


Section 1. Division of Barbers and Beauticians; Committee; Certificate of Registration.—There is hereby created in the state department of health, and under its jurisdiction, a division of barbers and beauticians. There is also hereby created a state committee of barbers and beauticians, hereinafter called the committee.

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.

Sec. 2. Barbering and Beauty Culture Defined.—For the purpose of this article “barbering” shall mean any one or combination of the following acts, when done on the human body, and not for the treatment of disease, to-wit: Shaving, shaping and trimming the beard; cutting, singeing, shampooing or dyeing the hair, or applying tonics thereto; applications, treatment or massages of the face, neck, or
sculpt with oils, creams, lotions, antiseptics, cosmetics, powders, clays or other preparations; and any such acts when done to encourage the use or sale of articles of trade, or for pay, rewards or other compensation, whether to be received directly or indirectly.

“Beauty culture” shall mean any one or combination of the following acts, when done on the human body, and not for the treatment of disease, to-wit: The care, preservation and beautification of the hands and nails, commonly called manicuring; the cleansing, curling, waving, permanent waving, straightening, arranging, dressing, bleaching, tinting, coloring and shaping the hair, including such cutting of the hair as is necessary for the purposes mentioned in this paragraph; the application to, or treatment and massage of the scalp, face, neck, arms, hands, or upper part of the body with oils, creams, lotions, powders, clays, cosmetics, antiseptics, or other preparations; and any such acts when done to encourage the use or sale of articles of trade, or for pay, reward or other compensation, whether to be received directly or indirectly.

The performance of any of the acts enumerated in this
section shall not be deemed barbering or beauty culture when done by duly licensed physicians, surgeons, nurses, or morticians, in the proper discharge of their professional duties.

Sec. 3. Committee; Chairman to Approve and Enforce Rules and Regulations; Secretary; Expenses of Members; Powers and Duties of Committee; Inspectors.—The committee shall consist of the director of health, ex-officio, and four other members to be appointed by the governor, by and with the advice and consent of the senate, to serve at the will and pleasure of the governor. Of the four members thus appointed, one shall be an employing barber, one an employee barber, one an employing beautician, and one an employee beautician. One of the four so appointed shall be a member of the colored race. Each member of the committee so appointed shall have been engaged within this state in the practice of barbering or beauty 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 politi-
cal party.

On or before the thirtieth day of June of each year the
governor shall appoint one member of the committee to
serve for a term of four years, to begin on the first day
of July. Any member of the committee shall be eligible
for reappointment.

The director of health shall be ex-officio chairman of
the committee, and the enforcement of all rules and regu-
lations promulgated by the committee pertaining to san-
tary conditions of barber and beauty shops and pertaining
to the registration and qualifications of barbers and beau-
ticians shall be under his supervision and direction; no
order, rule, or regulation promulgated by the committee
shall be in force and effect until approved by the director
of health. The committee shall designate one of its mem-
bers, or some other person, to act as secretary of the com-
mittee, and it shall be the duty of the secretary to perform
such duties as may be prescribed by the committee.

Each member of the committee, except the chairman,
shall receive as compensation a per diem of fifteen dollars
for each day he is in attendance upon the sessions of the committee, but such compensation for each member shall not exceed the sum of three hundred dollars in any calendar year. Each member shall be reimbursed for actual and necessary expenses incurred in the performance of his duties, upon presentation of an itemized sworn statement thereof.

The committee shall examine all applicants for certificates of registration and shall issue 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 instructions for such schools; promulgate rules and regulations for the physical examination of barbers, beauticians, junior barbers and beauticians, and students, and fix the standard form of report of such examinations; establish and enforce sanitary regulations in barber shops, beauty shops, and schools of barbering and beauty culture; enforce all such rules and regulations as are herein authorized; and do all other things
necessary to effectuate the purposes of this article in the
interest and protection of public health.

The director of health shall appoint not to exceed six
inspectors, who shall be registered 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, and all schools of barbering and beauty culture in
this state, and to report all violations to the director of
health. The salaries and allowances for expenses of such
inspectors shall be that fixed and allowed by the director
of health and approved by the director of the budget, pur-
suant to his power to classify employment in the state
government and its agencies.

Sec. 4. General Regulations; Revocation of Certificate
for Violation.—Every general regulation adopted by the
committee shall state the day on which it takes effect, and
a copy thereof, duly signed by the director of health, shall
be filed in the office of the secretary of state, and shall
be published in such manner as the committee may de-
termine. For the violation of any reasonable regulation
so promulgated, the committee may cancel and revoke
the certificate of registration issued such violator, and may
refuse to renew or reissue the same.

Sec. 5. Qualifications of Applicants; Fees; Examination;
Registration Certificate.—An applicant for registration as
a barber or beautician shall present satisfactory evidence
that he or she is at least eighteen years of age, of good
moral character and temperate habits, has completed at
least the eighth grade of school, or the equivalent there­
of, and has been graduated from a school of barbering or
beauty culture approved by the state committee of bar­
ers and beauticians, and shall transmit with his applica-
tion an examination fee of twenty dollars. The examina-
tion shall be of such character as to determine the
qualifications and fitness of the applicant to practice bar­
bering or beauty culture as defined by this article, and
shall cover such subjects germane to the inquiry as the
committee may deem proper. If the applicant successfully
passes such examination and is otherwise duly qualified,
as required by this section, and presents the proper cer-
tificate of health, the committee shall register the appli-
cant as a duly qualified junior barber or beautician, for
which certificate, or renewal thereof, the fee shall be five
dollars. Upon proof that the holder of such a certificate
has served as a junior barber or beautician for a period
of not less than six months nor more than twelve months
from the original date of such certificate, accompanied by
a certificate of health from a duly licensed physician, the
committee shall issue to the applicant a certificate of
registration authorizing the applicant to practice barber-
ing or beauty culture in this state. Any person who is able
to furnish satisfactory proof that he has practiced barber-
ing or beauty culture for at least six months prior to ex-
amination may be registered as a duly qualified barber or
beautician immediately after he has passed the examina-
tion, without serving the specified six month period as a
junior barber or beautician. The committee shall charge
for every such certificate of registration, or renewal there-
of, issued by it, a fee of five dollars.

Any person who meets the requirements of this section
as to age, character and health, who is a graduate of a
recognized school of barbering or beauty culture in an-
other state, and who holds a current certificate as a reg-
istered barber or beautician in another state, may file
with the committee an application for registration without
examination, together with a fee of twenty dollars. If in
the opinion of the committee such applicant has had a
prescribed course of instruction in barbering or beauty
culture equivalent to that required in this state at the time
such course was completed, it is otherwise properly
qualified, the committee may without examination issue
to such applicant a certificate of registration as a duly
qualified barber or beautician.

Sec. 6. Renewal of Registration; Fee, Blood Test.—Every
registered barber or beautician who desires to continue
in active practice or service shall, annually on or before
the first day of January, renew his certificate of registra-
tion and pay an annual renewal fee of five dollars. Every
registered barber or beautician who does not desire to
continue in active practice, shall notify the committee in
writing and shall, during such period, be listed by the
committee as being inactive, and shall not be required to
renew his certificate until such time as he notifies the com-
mittee of his desire to again become active, and during
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12 such inactive period he or she shall not be liable for any
13 renewal fees. Every applicant for renewal or reinstatement of a certificate of registration shall submit to the
14 Wasserman or other recognized blood test, and shall submit the report thereon to the committee, together with a
15 certificate of health from a duly licensed physician.

Sec. 7. Student's Permit; Qualifications; Fee.—All students, before entering upon their studies in approved
2 schools of barbering or beauty culture in this state, shall
3 apply for and receive a student's permit from the committee. The application shall be upon forms provided by
4 the committee and shall include a health certificate from
5 a duly licensed physician. An applicant for registration
6 as a student shall present satisfactory evidence that he
7 or she is at least seventeen years of age, of good moral
8 character and temperate habits, and has completed at
9 least the eighth grade of school or the equivalent thereof.
10 Upon receipt of a fee of five dollars, the committee shall
11 register each qualified applicant as a student barber or
12 beautician and shall issue the appropriate student's per-
13 mit, which shall be good during the prescribed period of
study for such student. A student may perform any or all acts constituting barbering or beauty culture in a school of barbering or beauty culture under the immediate supervision of a registered instructor, but not otherwise.

Sec. 8. Display of Certificate of Registration.—Every person practicing barbering or beauty culture and every student and junior barber and beautician 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 beauticians or its authorized representative.

Sec. 9. Shop To Be Managed by Registered Barbers and Beauticians; Number of Junior Barbers or Beauticians Permitted; Restrictions on Buildings or Rooms Used as Shops and Businesses In; Advertising of Prices Prohibited.—Every barber or beauty shop in this state shall be operated under the supervision and management of a barber or beautician who is registered as such in this state. Each barber or beauty shop in this state may employ at least one junior barber or beautician therein. However, in
shops regularly employing more than three registered barbers or beauticians only one such junior barber or beautician may be employed for every three such registered barbers or beauticians, but in no event can more than three such junior barbers or beauticians be employed in any one barber or beauty shop. No business or trade other than that of barbering shall be conducted in a barber shop and no business or trade other than that of beauty culture shall be conducted in a beauty shop, except the display and/or sale of commodities or other articles used in connection with barbering or beauty culture, and no such barber or beauty shop shall be operated in a store, dwelling house, or other building or space used for any purpose other than barbering or beauty culture unless such barber or beauty shop is separated by stationary partitions extending from floor to ceiling: Provided, That nothing herein contained shall be construed as prohibiting a barber shop from carrying on the business of shoe shining or manicuring or both shoe shining and manicuring. A suitable sign shall be displayed at the main entrance of all barber and beauty shops, plainly indicating the
Provided, however, That no sign shall be displayed outside any barber or beauty shop or inside the same, so as to be clearly visible from the outside and for the ostensible purpose of attracting trade, which in any way advertises the prices to be charged in such barber or beauty shop for services to be therein performed.

Sec. 10. Schools of Barbering or Beauty Culture; Qualifications of Instructors.—No person, firm or corporation, public or private, whether organized for profit or not, shall own or operate a school of barbering or beauty culture in this state without first obtaining a license so to do from the committee. No such license shall be issued unless the person or persons teaching or instructing therein have been registered by the committee as duly qualified instructors. All applicants for a license to operate a school of barbering or beauty culture shall permit an inspection of such proposed school to determine whether it is properly fitted and equipped for instruction in barbering or beauty culture. No school shall be licensed unless in the opinion of the committee it is properly fitted and equipped.
The committee may suspend, revoke, or refuse to renew the license of a school whenever it fails to meet the minimum standards and qualifications required for the issuance of an original license.

The license fee for each school of barbering and for each school of beauty culture shall be twenty-five dollars annually, to be paid in such manner as the committee may prescribe, on or before January first of each year. The license shall be 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 or beauty culture is operated therein.

The committee is hereby authorized to make reasonable rules and regulations prescribing the standards and requirements to be met by applicants for registration as duly qualified instructors in schools of barbering or beauty culture. Such rules and regulations may provide for the issuance of certificates for instructors, including temporary certificates, and shall prescribe minimum qualifications as to age, education and training for applicants for such certificates. Each registered instructor in barbering
or beauty culture shall pay an initial registration fee of five dollars, and shall renew his certificate annually and pay a renewal fee of five dollars on or before the first day of January of each year. An expired certificate may be reinstated only upon the payment of all lapsed renewal fees, unless such instructor shall have notified the committee that he or she desires to be placed on an inactive status during which time he or she shall not be liable for any renewal fees. The applicant for reinstatement shall also be required to meet the qualifications for registration in effect at the time application for reinstatement is made.

Sec. 11. Health Certificates Required Before Certificate of Registration Issued or Renewed.—No person shall practice barbering or beauty culture or serve as a student or junior barber or beautician in this state while having an infectious, contagious or communicable disease. No person shall be registered as a barber, beautician, student, or junior barber or beautician until he or she shall have obtained a certificate of health from a licensed physician under article three of this chapter certifying 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 renewed, and the examination must have
been within thirty days prior to the beginning of the
renewal period. The committee shall be empowered to
compel any registered barber, beautician, student, or
junior barber or beautician, to submit to a physical ex-
amination and file a certificate of health at any reasonable
time.

Sec. 12. Requirements to Operate Shops and Schools;

Sanitary Rules and Regulations.—It shall be unlawful for
any person, firm or corporation to own or operate a beauty
or barber shop, or a school of beauty culture or barbering,
or to act as a barber or beautician, unless:

(a) Such beauty shop, barber shop, or school of beauty
culture or barbering shall before opening its place of busi-
ness to the public, have been approved by the committee
as having met all the requirements and qualifications for
such places of business as are required by this article and
for this purpose, it shall be the duty of the owner or op-
erator of each such beauty shop, barber shop, or school
of beauty culture or barbering to notify the committee,
in writing, at least ten days before the proposed opening
date of such shop or school, whereupon it shall become
the duty of the committee, through the inspectors herein
provided for, to inspect such shops or schools, and if found
to meet the requirements of this article respecting the
same, to grant to it a certificate permitting it to do busi-
ness as such. If, however, after the lapse of ten days after
the giving of such notice of opening to the committee, an
inspection is not made or such certificate of opening has
not been granted or refused, the owner or operator of
such shop or school may open provisionally subject to
later acquirement of such certificate and to all other pro-
visions, rules and regulations provided for in this article;
(b) All such shops and schools, and bathrooms, toilets
and adjoining rooms used in connection therewith, are
kept clean, sanitary, well-lighted and ventilated at all times. The use of chunk alum, powder puffs and styptic pencils in any such shop or school is prohibited;

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

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

The committee shall prescribe such other rules and regulations in regard to sanitation and cleanliness in such shops and schools 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 each shop or school.

Sec. 13. Grounds for Cancellation, or Refusal to Issue or Renew Certificate of Registration.—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
or beauty culture in this state by false pretenses, fraudu-
 lent misrepresentation, or bribery by the use of money or
other consideration; (3) gross incompetency; (4) the
continued practice of barbering or beauty culture by a
person knowing himself or herself to be afflicted with
a contagious or infectious disease; (5) the use knowingly
of any false or deceptive statements in advertising; (6)
habitual drunkenness or habitual addiction to the use of
morphine, cocaine or other habit-forming drugs; (7) con-

viiction for the illegal sale of any intoxicating beverage,
as shown by a certified copy of the record of the court of
conviction; (8) violation of any of the sanitary rules and
regulations prescribed by the committee.

Sec. 14. Penalties for Violation; Injunction.—Any viola-
tion of the provisions of this article or of the rules and
regulations of the committee, when promulgated by it as
set out in section four of this article, shall constitute a
misdemeanor, punishable, upon conviction, by a fine of
not less than ten dollars, nor more than one hundred
dollars, or by imprisonment in the county jail for not
more than sixty days, or by both such fine and imprison-
ment. Justices of the peace shall have concurrent juris-
diction with circuit and criminal courts for the enforce-
ment of the provisions of this article and the rules and
regulations promulgated by the committee.

Notwithstanding the existence or pursuit of any other
remedy, the committee may, in the manner provided by
law, maintain an action in the name of the state for an
injunction against any person, partnership, association, or
corporation to restrain or prevent the establishment, con-
duct, management, or operation of any barber shop,
beauty shop, school of barbering or beauty culture, or
related agency, when such person, partnership, associa-
tion, or corporation, repeatedly refuses to obtain regis-
tration or license therefor and continues the practice or
teaching of barbering or beauty culture without first ob-
Sec. 15. Provisions of Article One, Chapter Thirty, Code, to Apply to Committee.—Unless otherwise specially provided herein, the provisions of article one, chapter thirty of the code of West Virginia shall apply to the state committee of barbers and beauticians.

Sec. 16. Collections and Expenditures; Disposition of Funds.—All money collected under the provisions of this article shall be deposited in the state treasury as provided by law, and shall be credited to the committee in a special fund to be known as the "Barbers and Beauticians Special Fund". All money in such fund shall be expended only for the administration and enforcement of the provisions of this article, except that at the end of each fiscal year there shall be transferred from this fund to the general revenue fund of the state ten percent of all money collected by the committee during the year.

Sec. 17. Provisions of Act Separable; Repeal of Laws.—The various provisions of this act shall be construed as separable and several, and should any of the provisions
or parts thereof be construed or held to be unconstitu-
tional, or for any other reason invalid the remaining pro-
visions of this act shall not be thereby affected. All acts
and parts of acts in conflict with the provisions of this
act, or any part thereof, are hereby repealed. Any ordi-
nances of any municipalities in this state now in effect
and having for their purposes the regulation of the prac-
tice of barbersing or beauty culture, which are in con-
flict with the provisions of this act; or any part thereof,
shall be null and void and of no effect on and after the
date this act goes into effect.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect July 1, 1951.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the

day of March, 1951.

Governor

Of West Virginia MAR 16 1951
D. PITT O'BRIEN, SECRETARY OF STATE