

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959



ENROLLED

HOUSE BILL No. 128

(By Mr. ROBERTSON ^{and} MR. HAUGHT)



PASSED Feb 27, 1959

In Effect July 1, 1959 Passage



Filed in Office of the Secretary of State
of West Virginia

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JOE F. BURDETT
SECRETARY OF STATE

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House Bill No. 128

(By MR. ROBERTSON and MR. HAUGHT)

[Passed February 27, 1959; in effect July 1, 1959.]

AN ACT to amend sections one, two, three, five, six, seven, eight, eleven and twelve, article fourteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the regulation of barbering, beauty culture and manicuring and of schools of barbering and beauty culture.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, five, six, seven, eight, eleven and twelve, article fourteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted 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

5 is also hereby created a state committee of barbers and
6 beauticians, hereinafter called the committee.

7 It shall be unlawful for any person to practice or offer
8 to practice barbering, beauty culture or manicuring in
9 this state without first obtaining a certificate of registra-
10 tion for such purpose from the committee.

Sec. 2. *Barbering, Beauty Culture and Manicuring De-*
2 *fin**ed.*—For the purpose of this article “barbering” shall
3 mean any one or combination of the following acts, when
4 done on the human body, and not for the treatment of
5 disease, to-wit: Shaving, shaping and trimming the beard;
6 cutting, singeing, shampooing or dyeing the hair, or ap-
7 plying tonics thereto; applications, treatment or massages
8 of the face, neck or scalp with oils, creams, lotions, anti-
9 septics, cosmetics, powders, clays or other preparations;
10 and any such acts when done to encourage the use or
11 sale of articles of trade, or for pay, rewards or other
12 compensation, whether to be received directly or in-
13 directly.

14 “Beauty culture” shall mean any one or combination
15 of the following acts, when done on the human body,

16 and not for the treatment of disease, to-wit: The care,
17 preservation and beautification of the hands and nails,
18 commonly called manicuring; the cleansing, curling, wav-
19 ing, permanent waving, straightening, arranging, dress-
20 ing, bleaching, tinting, coloring and shaping the hair,
21 including such cutting of the hair as is necessary for the
22 purposes mentioned in this paragraph; the application
23 to, or treatment and massage of, the scalp, face, neck,
24 arms, hands, or upper part of the body with oils, creams,
25 lotions, powders, clays, cosmetics, antiseptics, or other
26 preparations; and any such acts when done to en-
27 courage the use or sale of articles of trade, or for pay,
28 reward or other compensation, whether to be received
29 directly or indirectly.

30 "Manicuring," when done on the human body and not
31 for the treatment of disease, shall mean the care, preser-
32 vation and beautification of the hands and nails only.

33 The performance of any of the acts enumerated in this
34 section shall not be deemed barbering, beauty culture or
35 manicuring when done by duly licensed physicians, sur-

36 geons, nurses, or morticians, in the proper discharge of
37 their professional duties.

Sec. 3. *Committee; Chairman to Approve and Enforce*
2 *Rules and Regulations; Secretary; Expenses of Members;*
3 *Powers and Duties of Committee; Inspectors.*—The com-
4 mittee shall consist of the director of health, ex officio,
5 and four other members to be appointed by the governor,
6 by and with the advice and consent of the senate, to
7 serve at the will and pleasure of the governor. Of the
8 four members thus appointed, one shall be an employing
9 barber, one an employee barber, one an employing beauti-
10 cian, and one an employee beautician. One of the four
11 so appointed shall be a member of the Negro race. Each
12 member of the committee so appointed shall have been
13 engaged within this state in the practice of barbering
14 or beauty culture, as the case may be, for a period of
15 eight years immediately prior to his appointment, and
16 not more than two of the four members of the committee
17 so appointed shall belong to the same political party.

18 On or before the thirtieth day of June of each year the
19 governor shall appoint one member of the committee to

20 serve for a term of four years, to begin on the first day
21 of July. Any member of the committee shall be eligible
22 for reappointment.

23 The director of health shall be ex officio chairman of
24 the committee, and the enforcement of all rules and
25 regulations promulgated by the committee pertaining
26 to sanitary conditions of barbering and beauty shops
27 and pertaining to the registration and qualifications of
28 barbers, beauticians and manicurists shall be under his
29 supervision and direction; no order, rule or regulation
30 promulgated by the committee shall be in force and
31 effect until approved by the director of health. The com-
32 mittee shall designate one of its members, or some other
33 person, to act as secretary of the committee, and it shall
34 be the duty of the secretary to perform such duties as
35 may be prescribed by the committee.

36 Each member of the committee, except the chairman,
37 shall receive as compensation a per diem of fifteen dol-
38 lars for each day he is in attendance upon the sessions of
39 the committee, but such compensation for each member
40 shall not exceed the sum of three hundred dollars in any

41 calendar year. Each member shall be reimbursed for
42 actual and necessary expenses incurred in the perform-
43 ance of his duties, upon presentation of an itemized
44 sworn statement thereof.

45 The committee shall examine all applicants for certifi-
46 cates of registration and shall issue certificates to those
47 entitled thereto; collect examination and registration fees;
48 promulgate rules and regulations governing the opera-
49 tion of barber shops, beauty shops, and schools of bar-
50 bering and beauty culture, including the prescribing of
51 curriculums and standards of instructions for such
52 schools; promulgate rules and regulations for the physi-
53 cal examination of barbers, beauticians, manicurists,
54 junior barbers and beauticians, and students, and fix the
55 standard form of report of such examinations; establish
56 and enforce sanitary regulations in barber shops, beauty
57 shops, and schools of barbering and beauty culture; en-
58 force all such rules and regulations as are herein author-
59 ized; and do all other things necessary to effectuate the
60 purposes of this article in the interest and protection of
61 public health.

62 The director of health shall appoint not to exceed six
63 inspectors, who shall be registered barbers and beauti-
64 cians of this state, as herein provided, and it shall be their
65 duty to make frequent inspections of all barber and
66 beauty shops, and all schools of barbering and beauty
67 culture in this state, and to report all violations to the
68 director of health. The salaries and allowances for ex-
69 penses of such inspectors shall be that fixed and allowed
70 by the director of health and approved by the director of
71 the budget, pursuant to his power to classify employment
72 in the state government and its agencies.

Sec. 5. *Qualifications of Applicants; Fees; Examination;*
2 *Registration Certificates.*—An applicant for registration
3 as a barber, beautician or manicurist shall present satis-
4 factory evidence that he or she is at least eighteen years
5 of age, of good moral character and temperate habits, has
6 completed at least the eighth grade of school, or the
7 equivalent thereof, and has been graduated from a school
8 of barbering or beauty culture approved by the state com-
9 mittee of barbers and beauticians, or in the case of a
10 manicurist has successfully completed an approved course

11 in manicuring in such a school, and shall transmit with
12 his application an examination fee of twenty dollars. The
13 examination shall be of such character as to determine
14 the qualifications and fitness of the applicant to practice
15 barbering, beauty culture or manicuring as defined by
16 this article, and shall cover such subjects germane to the
17 inquiry as the committee may deem proper. If an appli-
18 cant for registration as a barber or beautician successfully
19 passes such examination and is otherwise duly qualified,
20 as required by this section, the committee shall register the
21 applicant as a duly qualified junior barber or beautician,
22 for which certificate, or renewal thereof, the fee shall be
23 five dollars. Upon proof that the holder of such a cer-
24 tificate has served as a junior barber or beautician for a
25 period of not less than twelve months from the original
26 date of such certificate, accompanied by a certificate of
27 health from a duly licensed physician, the committee
28 shall issue to the applicant a certificate of registration
29 authorizing the applicant to practice barbering or beauty
30 culture in this state. Any person who is able to furnish
31 satisfactory proof that he has practiced barbering or

32 beauty culture for at least twelve months prior to exami-
33 nation, and any applicant for registration as a manicurist,
34 may be registered as a duly qualified barber, beautician
35 or manicurist immediately after he has passed the ex-
36 amination. The committee shall charge for every such
37 certificate of registration, or renewal thereof, issued by it,
38 a fee of ten dollars.

39 Any person who meets the requirements of this section
40 as to age, character and health, who is a graduate of a
41 recognized school of barbering or beauty culture in an-
42 other state, or has successfully completed an approved
43 course in manicuring in such a school, and who holds a
44 current certificate as a registered barber, beautician or
45 manicurist in another state, may file with the committee
46 an application for registration without examination, to-
47 gether with a fee of twenty dollars. If in the opinion of
48 the committee such applicant has had a prescribed course
49 of instruction in barbering, beauty culture or manicuring
50 equivalent to that required in this state at the time such
51 course was completed, or is otherwise properly qualified,
52 the committee may without examination issue to such

53 applicant a certificate of registration as a duly qualified
54 barber, beautician or manicurist.

Sec. 6. *Renewal of Registration; Fee.*—Every registered
2 barber, beautician or manicurist who desires to continue
3 in active practice or service shall, annually on or before
4 the first day of January, renew his certificate of regis-
5 tration and pay an annual renewal fee of ten dollars.
6 For any renewal which is more than thirty days late, a
7 penalty of two dollars shall be added to the regular re-
8 newal fee. Every registered barber, beautician or mani-
9 curist who does not desire to continue in active practice,
10 shall notify the committee in writing and shall, during
11 such period, be listed by the committee as being inactive,
12 and shall not be required to renew his certificate until
13 such time as he shall again become active, and during
14 such inactive period he or she shall not be liable for any
15 renewal fees.

Sec. 7. *Student's Permit; Qualifications; Fee.*—All stu-
2 dents, before entering upon their studies in approved
3 schools of barbering or beauty culture in this state, shall
4 apply for and receive a student's permit from the com-

5 mittee. The application shall be upon forms provided
6 by the committee and shall include a health certificate
7 from a duly licensed physician. An applicant for regis-
8 tration as a student shall present satisfactory evidence
9 that he or she is at least seventeen years of age, of good
10 moral character and temperate habits, and has completed
11 at least the eighth grade of school or the equivalent
12 thereof. Upon receipt of a fee of five dollars, the com-
13 mittee shall register each qualified applicant as a student
14 barber, beautician or manicurist and shall issue the ap-
15 propriate student's permit, which shall be good during
16 the prescribed period of study for such student. A student
17 may perform any or all acts constituting barbering, beauty
18 culture or manicuring in a school of barbering or beauty
19 culture under the immediate supervision of a registered
20 instructor, but not otherwise.

Sec. 8. *Display of Certificate of Registration.*—Every
2 person practicing barbering, beauty culture or manicuring
3 and every student and junior barber and beautician shall
4 display his certificate of registration or renewal thereof
5 in a conspicuous place in the shop wherein he practices

6 or is employed and whenever required shall exhibit such
7 certificate to the state committee of barbers and beau-
8 ticians or its authorized representative.

Sec. 11. *Health Certificates Required Before Certificate*
2 *of Registration Issued.*—No person shall practice barber-
3 ing, beauty culture or manicuring, or serve as a student
4 or junior barber or beautician in this state while having
5 an infectious, contagious or communicable disease. No
6 person shall be registered as a barber, beautician, mani-
7 curist or student until he or she shall have obtained a
8 certificate of health from a licensed physician under ar-
9 ticle three of this chapter certifying such person to be
10 free of all infectious, contagious and communicable dis-
11 eases. Such certificate shall be filed with the state com-
12 mittee of barbers and beauticians within ten days after
13 the examination of the person is made by the physician,
14 and a photograph of the applicant must accompany the
15 application with such certificate. The certificate shall be
16 in such form as the committee may prescribe. The com-
17 mittee shall be empowered to compel any registered bar-
18 ber, beautician, manicurist, student, or junior barber or

19 beautician, to submit to a physical examination and file a
20 certificate of health at any reasonable time.

Sec. 12. *Requirements to Operate Shops and Schools;*

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

6 (a) Such beauty shop, barber shop, or school of beauty
7 culture or barbering shall before opening its place of
8 business to the public, have been approved by the com-
9 mittee as having met all the requirements and qualifica-
10 tions for such places of business as are required by this
11 article and for this purpose. It shall be the duty of the
12 owner or operator of each such beauty shop, barber shop,
13 or school of beauty culture or barbering to notify the
14 committee, in writing, at least ten days before the pro-
15 posed opening date of such shop or school, whereupon it
16 shall become the duty of the committee, through the in-
17 spectors herein provided for, to inspect such shop or
18 school. Upon given notice of the opening of any such
19 shop or school, the owner or operator thereof shall pay

20 to the committee an inspection fee of twenty-five dollars.
21 In the event the shop or school fails to meet the require-
22 ments of this article and is not approved, the inspection
23 fee shall be returned to the person paying same. Any
24 shop or school meeting the prescribed requirements shall
25 be granted a certificate permitting it to do business as
26 such. If, however, after the lapse of ten days after the
27 giving of such notice of opening to the committee, an
28 inspection is not made or such certificate of opening has
29 not been granted or refused, the owner or operator of
30 such shop or school may open provisionally subject to
31 later acquirement of such certificate and to all other pro-
32 visions, rules and regulations provided for in this article;

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

38 (c) Each barber, beautician, manicurist, instructor,
39 junior barber and beautician, and student, shall thor-

40 oughly cleanse his or her hands with soap and water im-
41 mediately before serving any patron;

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

46 The committee shall prescribe such other rules and
47 regulations in regard to sanitation and cleanliness in such
48 shops and schools as it may deem proper and necessary
49 and shall have power to enforce compliance therewith.
50 Such rules and regulations shall be kept posted in a con-
51 spicuous place in each shop or school.

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

W. Jasper

Chairman Senate Committee

J. F. Teem

Chairman House Committee

Originated in the House of Delegates.

Takes effect July 1, 1959 passage.

J. B. ...

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Ralph Bran

President of the Senate

H. R. Pauley

Speaker House of Delegates

The within approved this the 10th

day of March, 1959.

W. H. Underwood

Governor

