WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 128

(By Mr. Robertson & Mr. Haught)

PASSED

In Effect

Filed in Office of the Secretary of State of West Virginia
MAR 10 1959
JOE F. BURDETT
SECRETARY OF STATE
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
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, beauty culture or manicuring in this state without first obtaining a certificate of registration for such purpose from the committee.

Sec. 2. Barbering, Beauty Culture and Manicuring 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 scalp 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.

"Manicuring," when done on the human body and not for the treatment of disease, shall mean the care, preservation and beautification of the hands and nails only.

The performance of any of the acts enumerated in this section shall not be deemed barbering, beauty culture or manicuring when done by duly licensed physicians, sur-
geons, 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 com-
mittee 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 beauti-
cian, and one an employee beautician. One of the four
so appointed shall be a member of the Negro 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 political 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 regulations promulgated by the committee pertaining to sanitary conditions of barbering and beauty shops and pertaining to the registration and qualifications of barbers, beauticians and manicurists 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 members, or some other person, to act as secretary of the committee, 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
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, manicurists, 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, pursuant to his power to classify employment in the state government and its agencies.

Sec. 5. Qualifications of Applicants; Fees; Examination; Registration Certificates.—An applicant for registration as a barber, beautician or manicurist 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 thereof, and has been graduated from a school of barbering or beauty culture approved by the state committee of barbers and beauticians, or in the case of a manicurist has successfully completed an approved course
in manicuring in such a school, and shall transmit with
his application an examination fee of twenty dollars. The
examination shall be of such character as to determine
the qualifications and fitness of the applicant to practice
barbering, beauty culture or manicuring as defined by
this article, and shall cover such subjects germane to the
inquiry as the committee may deem proper. If an appli-
cant for registration as a barber or beautician successfully
passes such examination and is otherwise duly qualified,
as required by this section, the committee shall register the
applicant 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 cer-
tificate has served as a junior barber or beautician for a
period of not less 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 barbering or beauty
culture in this state. Any person who is able to furnish
satisfactory proof that he has practiced barbering or
beauty culture for at least twelve months prior to examination, and any applicant for registration as a manicurist, may be registered as a duly qualified barber, beautician or manicurist immediately after he has passed the examination. The committee shall charge for every such certificate of registration, or renewal thereof, issued by it, a fee of ten 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 another state, or has successfully completed an approved course in manicuring in such a school, and who holds a current certificate as a registered barber, beautician or manicurist 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, beauty culture or manicuring equivalent to that required in this state at the time such course was completed, or is otherwise properly qualified, the committee may without examination issue to such
Sec. 6. Renewal of Registration; Fee.—Every registered barber, beautician or manicurist who desires to continue in active practice or service shall, annually on or before the first day of January, renew his certificate of registration and pay an annual renewal fee of ten dollars. For any renewal which is more than thirty days late, a penalty of two dollars shall be added to the regular renewal fee. Every registered barber, beautician or manicurist 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 shall again become active, and during such inactive period he or she shall not be liable for any renewal fees.

Sec. 7. Student’s Permit; Qualifications; Fee.—All students, before entering upon their studies in approved schools of barbering or beauty culture in this state, shall apply for and receive a student’s permit from the com-
mittee. The application shall be upon forms provided by the committee and shall include a health certificate from a duly licensed physician. An applicant for registration as a student shall present satisfactory evidence that he or she is at least seventeen years of age, of good moral character and temperate habits, and has completed at least the eighth grade of school or the equivalent thereof. Upon receipt of a fee of five dollars, the committee shall register each qualified applicant as a student barber, beautician or manicurist and shall issue the appropriate student’s permit, which shall be good during the prescribed period of study for such student. A student may perform any or all acts constituting barbering, beauty culture or manicuring 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, beauty culture or manicuring and every student and junior barber and beautician shall display his certificate of registration or renewal thereof 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. 11. *Health Certificates Required Before Certificate of Registration Issued.*—No person shall practice barbering, beauty culture or manicuring, 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, manicurist or student until he or she shall have obtained a certificate of health from a licensed physician under article three of this chapter certifying such person to be free of all infectious, contagious and communicable diseases. Such 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 physician, and a photograph of the applicant must accompany the application with such certificate. The certificate shall be in such form as the committee may prescribe. The committee shall be empowered to compel any registered barber, beautician, manicurist, student, or junior barber or
beautician, to submit to a physical examination 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, beautician or manicurist, unless:

(a) Such beauty shop, barber shop, or school of beauty culture or barbering shall before opening its place of business 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 operator 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 shop or school. Upon given notice of the opening of any such shop or school, the owner or operator thereof shall pay
to the committee an inspection fee of twenty-five dollars.

In the event the shop or school fails to meet the requirements of this article and is not approved, the inspection fee shall be returned to the person paying same. Any shop or school meeting the prescribed requirements shall be granted a certificate permitting it to do business 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 provisions, 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, manicurist, instructor, junior barber and beautician, and student, shall thor-
(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.
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, 1959, passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 10th day of March, 1959.

Governor