WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
SENATE BILL NO. 37

(By Mr. Niss Hendon)

PASSED March 7, 1980
In Effect ninety days from Passage
AN ACT to amend and reenact sections one, two, three, four, six, seven, eight, nine, ten and eleven, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to prohibiting employees and individuals with a pecuniary interest in schools of barbering and beauty culture from appointment to the board of barbers and beauticians; increasing the salaries of the board members; giving the board the power to promulgate concurrent rules and regulations; requiring promulgation of rules in certain areas; providing for resolution of conflicts in rules; providing for revocation of license for violation of regulations; increasing examination fees; abolishing licensing for junior barbers or beauticians and removing all references thereto; increasing fees for licenses; mandating that rules and regulations be promulgated to establish a joint barber-beautician license; increasing license renewal fees and late penalties; increasing license fees for schools of barbering and beauty culture and instructors; providing minimum qualifications for instructors; and making violation of board's regulations grounds for refusal to license.

Be it enacted by the Legislature of West Virginia:

That sections one, two, three, four, six, seven, eight, nine, ten and eleven, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:
ARTICLE 27. BOARD OF BARBERS AND BEAUTICIANS.

§30-27-1. Board of barbers and beauticians; appointment; qualifications and terms of board members; compensation and expenses of members; powers and duties of board.

(a) The board of barbers and beauticians heretofore established is continued and all members of the committee, serving for a term which has not expired on the effective date of this article, shall continue to serve the terms for which they were appointed. The board shall promulgate rules and regulations pertaining to the licensure and qualifications of barbers, beauticians and manicurists, and curricula and standards of instruction for schools of barbering and beauty culture. The board shall aid and assist in the enforcement of all rules and regulations in accordance with chapter sixteen, article fourteen, section one, et. seq. The board shall consist of four professional members to be appointed by the governor, by and with the advice and consent of the Senate, and one lay member to be appointed in accordance with the provisions of section four-a, article one of this chapter. Of the four professional members, one shall be an employing barber, one an employee barber, one an employing beautician and one an employee beautician. Each professional member of the board shall have been engaged within this state in the practice of barbering or beauty culture, as the case may be, for a period of five years prior to his appointment, and no more than two of the four professional members may belong to the same political party. No member of the board shall own or have a pecuniary interest in a barber or beautician school licensed by or doing business within this state or shall be employed by such an institution.

(b) On or before the thirtieth day of June of each year the governor shall appoint one member of the board to serve for a term of four years, to begin on the first day of July. No professional member of the board may serve for more than two complete terms.

(c) The board shall designate one of its members as chairperson.
(d) Each member of the board shall receive as compensation a per diem of fifty dollars for each day of attendance at board sessions, but such compensation for each member shall not exceed the sum of two thousand dollars in any calendar year. Each member shall be reimbursed for actual and necessary expenses incurred in the performance of their duties, upon presentation of an itemized sworn statement thereof.

(e) The board shall examine all applicants for licensure and shall issue licenses to those entitled thereto and collect examination and licensure fees, in accordance with regulations promulgated by the board of health pursuant to article fourteen, chapter sixteen of this code or the board of barbers and beauticians.

(f) 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 license for such purposes from the board of barbers and beauticians.

(g) The board shall have the power to promulgate rules and regulations generally regarding the practice and conduct of barbering and beauty culture, including but not limited to the procedures, criteria and curricula for examination and qualifications of applicants for licensure, and for the licensing of instructional personnel for schools of barbering and beauty culture. The power of the board to promulgate such rules and regulations shall be concurrent with that of the board of health as authorized in article fourteen, chapter sixteen of this code, provided that in the case of conflicting provisions regarding requirements for health and sanitation, the rule or regulation of the board of health shall be deemed to apply. The board of health and the board of barbers and beauticians shall for a reasonable fee make available upon request to any licensee a copy of such rules and regulations.

§30-27-2. Revocation of license for violation.

For violation of any regulation authorized by the terms of this article or promulgated by the board of health, the board of barbers and beauticians may cancel and revoke
the license issued such violator, and may refuse to renew
or reissue the same.

§30-27-3. Qualifications of applicants; fees; examinations; li-
censure.

An applicant for licensure as a barber, beautician or
manicurist shall present satisfactory evidence that he or
she is at least eighteen years of age, of good moral charac-
ter 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 board of barbers and beau-
ticians, 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 exami-
nation fee of twenty-five 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 board
may deem proper. If an applicant for licensure as a barber
or beautician successfully passes such examination and
presents a certificate of health from a licensed physician
and is otherwise qualified as required by this section, the
board shall license the applicant as a duly qualified bar-
er or beautician. Any applicant for license as a manicur-
ist may be licensed as a duly qualified manicurist after he
has passed the examination. The board shall charge
twenty-five dollars for the issuance of a license.

The state board of barbers and beauticians shall prom-
ulgate rules and regulations to establish a joint barber-
beautician license.

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 license as a registered barber, beautician or mani-
curist in another state, may file with the board an appli-
cation for licensure without examination, together with
a fee of fifty dollars. If in the opinion of the board 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 board may without examination issue to such applicant a license as a duly qualified barber, beautician or manicurist.

§30-27-4. Renewal of license; fee; penalty for late renewal; withdrawal from active practice.

Every licensed barber, beautician or manicurist who desires to continue in active practice or service shall, annually upon or before the first day of January, renew his license and pay an annual renewal fee of twenty-five dollars. For any renewal which is more than thirty days late, a penalty of five dollars shall be added to the regular renewal fee, and an additional five dollar penalty for each successive thirty-day period said renewal fee is late. Every licensed barber, beautician or manicurist who does not desire to continue in active practice, shall notify the board in writing, and shall during such period, be listed by the board as being inactive, and shall not be required to renew his license 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.


Every person practicing barbering, beauty culture or manicuring and every student shall display his license or renewal thereof in a conspicuous place in the shop wherein he practices or is employed and whenever required shall exhibit such license to the state board of barbers and beauticians or its authorized representative.

§30-27-7. Shop to be managed by licensed barbers and beauticians; restrictions as to other businesses; signs; 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 licensed as such in this state. No business or trade other than that of barbering shall
be conducted in a barbershop and no business or trade
other than beauty culture shall be conducted in a beauty
shop, except the display or sale, or both, 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 extended from floor to
ceiling: Provided, That nothing in this article shall be
construed as prohibiting a barbershop from carrying on
the business of shoe shining or manicuring or both shoe
shining and manicuring. A suitable sign shall be dis-
played at the main entrance of all barber and beauty
shops, plainly indicating the business conducted therein:
Provided, however, That no sign shall be displayed out-
side any barber or beauty shop or inside the same, so as
to be clearly visibl\textsuperscript{e} from the outside and for the osten-
sible purpose of attracting trade, which in any way ad-
vertises the prices to be charged in such barber or beauty
shop for services to be therein performed.

§30-27-8. License to own or operate schools of barbering or
beauty culture; application for license; qualifications;
inspection; license fee; rules and regulations;
suspension, etc., of license; qualifications and
registration of instructors; registration fees; ad-
ministrative procedures.

No person, firm or corporation, whether public or pri-
vate, and 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
board. The application for such license shall be made in
writing on forms prescribed and furnished by the board
and shall be signed and verified by the applicant. The
applicant shall, in addition to such other information as
may be reasonably required by the board, furnish evi-
dence that (a) the applicant is professionally competent
and financially responsible, (b) adequate physical facili-
ties will be available for the school, and (c) persons
teaching or instructing therein are licensed by the board
as fully qualified instructors. If an applicant desires to
own or operate more than one school of barbering or
beauty culture, a separate application shall be made and
a separate license shall be issued for each.

All applicants for a license to own or operate a school
of barbering or beauty culture shall permit an inspection
of such proposed school by the inspectors appointed pur-
suant to subsection (d), section one, article fourteen,
chapter sixteen of this code to determine whether it is
properly fitted and equipped for instruction in barbering
or beauty culture. The board of health shall promulgate
reasonable rules and regulations to implement and make
effective the powers, duties and responsibilities vested in
such board in connection with the licensing of schools
of barbering and beauty culture. If the applicant has met
all of the standards and qualifications prescribed herein
by the board of health and has complied with the rules
and regulations pertaining to the issuance of the license
applied for, the board shall issue such license to the
applicant. Thereafter, the board may suspend, revoke or
refuse to renew the license of a school whenever it fails
to meet the minimum standards and qualifications re-
quired for the issuance of an original license. The director
of health or his designees shall administer and enforce
such actions of the board.

The initial license fee for each school of barbering and
for each school of beauty culture shall be five hundred
dollars and the annual renewal fee shall be two hundred
fifty dollars, to be paid in such manner as the board may
prescribe, on or before January first of each year. The
license shall be permanently 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 board of barbers and beauticians shall promulgate
reasonable rules and regulations prescribing the stan-
dards and requirements to be met by applicants
for licensure of duly qualified instructors in schools
of barbering or beauty culture. Such rules and regu-
lations may provide for the issuance of certificates
for instructors, including temporary certificates, and
shall prescribe minimum qualifications as to age, educa-
tion and training for applicants for such certificates. Min-
umum qualifications to become applicants as student
instructors shall include one year's experience as a
licensed full-time practicing barber or beautician and two
hundred fifty hours of advanced instruction beyond the
normal licensure requirements. Each licensed instructor
in barbering and beauty culture shall pay an initial
registration fee of fifty dollars, and shall renew his cer-
ificate annually and pay a renewal fee of fifty dollars
on or before the first day of January of each year. An
expired certificate may be reinstated only upon the pay-
ment of all lapsed renewal fees, unless such instructor
shall have notified the board 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 qualifi-
cations for registration in effect at the time application
for reinstatement is made.

Recognizing that all of the provisions of chapter
twenty-nine-a of this code are fully applicable to any
and all administrative procedures, and the right of judi-
cial review, in connection with the provisions of this
article, but also recognizing that the question has been
raised as to whether rules and regulations adopted under
the provisions of this section must be promulgated in
accordance with the provisions of said chapter twenty-
ine-a, it is hereby expressly provided that all such rules
and regulations shall be promulgated in compliance with
the provisions of said chapter twenty-nine-a.


No person shall practice barbering, beauty culture or
manicuring, or serve as a student in this state while
having an infectious, contagious or communicable disease.
No person shall be licensed as a barber, beautician, mani-
curist 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 dis-
eases. Such certificate shall be filed with the state board 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 board may prescribe. The board shall be empowered to compel any registered barber, beautician, manicurist or student to submit to a physical examination and file a certificate of health at any reasonable time.

§30-27-10. 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 shop or barbershop, or a school of beauty culture or barbering, or to act as a barber, beautician or manicurist, unless:

(a) Such beauty shop, barbershop, or school of beauty culture or barbering shall before opening its place of business to the public, have been approved by the board 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, barbershop, or school of beauty culture or barbering to notify the board, in writing, at least ten days before the proposed opening date of such shop or school, whereupon it shall become the duty of the board, 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 board 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 license 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 board, 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 inspection 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 is prohibited;

c) Each barber, beautician, manicurist, instructor 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 board of health 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. The director of health or inspectors designated pursuant to subsection (d) of section one of article fourteen of chapter sixteen of the code shall have the power to enforce compliance therewith. Such rules and regulations shall be kept posted in a conspicuous place in each shop or school.

§30-27-11. Grounds for cancellation or refusal to issue or renew license.

1 The board may refuse to issue a license 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 license to practice barbering or beauty culture in this state by false pretenses, fraudulent misrepresentation, or bribery by the use of money or other considerations; (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) conviction 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 rules and regulations prescribed by the board of health; (9) violation of any of the rules and regulations prescribed by the board of barbers and beauticians.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within is approved this the 23

day of March, 1980.

Governor