WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1992

ENROLLED
Committee Substitute for
SENATE BILL NO. 554

(By Senators Clemence and Witmer)

PASSED March 7, 1992
In Effect 40 Days from Passage

SECRETARY OF STATE
OFFICE OF WEST VIRGINIA
1992 APR 1 PM 4:40
RECEIVED
AN ACT to amend and reenact section one, article fourteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section one, article twenty-seven, chapter thirty of said code, relating to barbers and beauticians; increasing the monthly salaries of beauty and barber shop inspectors; renaming the board of barbers and beauticians as the board of barbers and cosmetologists; and increasing the salary of the director of such board.

Be it enacted by the Legislature of West Virginia:

That section one, article fourteen, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that section one, article twenty-seven, chapter thirty of said code be amended and reenacted to read as follows:
CHAPTER 16. PUBLIC HEALTH.

ARTICLE 14. BARBERS AND COSMETOLOGISTS.

§16-14-1. Jurisdiction over barbers and cosmetologists; powers and duties of director of health.

1. (a) There is hereby vested in the state department of health, jurisdiction over barbers and cosmetologists, except as otherwise specifically provided in this code.

(b) The director of health or a designee shall be responsible for the enforcement of all laws and rules pertaining to sanitary conditions of barbering and beauty shops.

(c) The director or a designee shall provide administrative support to the board of barbers and cosmetologists as may be appropriate and reasonable.

(d) The director of health shall appoint not more than six inspectors, who shall be licensed barbers and cosmetologists 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 salary of each inspector shall range from twelve hundred eighty-three dollars per month to fifteen hundred dollars per month, depending upon the qualifications of the inspector. Allowances for expenses of such inspectors shall be that fixed and allowed by the director of health.

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-1. Board of barbers and cosmetologists; salary of board director; 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 shall be known henceforth as the board of barbers and cosmetologists. The
The annual salary of the director of such board shall be thirty-one thousand seven hundred ninety-six dollars. All members of the board, 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 pertaining to the licensure and qualifications of barbers, cosmetologists 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 in accordance with the provisions of article fourteen, chapter sixteen of this code. 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 cosmetologist and one an employee cosmetologist. 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 or her 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 beauty culture school licensed by or doing business within this state or shall be employed by such an institution.

(4) 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 three
thousand dollars in any calendar year. Each member
shall be reimbursed for actual and necessary expenses
incurred in the performance of his or her 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 cosmetologists.

(f) It is 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 cosmetologists.

(g) The board shall have the power to promulgate
rules 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 licen-
sure, and for the licensing of instructional personnel
for schools of barbering and beauty culture.

The power of the board to promulgate such rules
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 provi-
sions regarding requirements for health and sanita-
tion, the rule or regulation of the board of health shall
be deemed to apply. The board of health and the board
of barbers and cosmetologists shall for a reasonable fee
make available upon request to any licensee a copy of
such rules.
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.

In 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 day of __________, 1992.

Governor