

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1992



ENROLLED

Committee Substitute for
SENATE BILL NO. 554

(By Senators *Chernenko and Wittmer*)



PASSED *March 7* 1992

In Effect *90 days from* Passage

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 554

(SENATORS CHERNENKO AND DITTMAR, *original sponsors*)

[Passed March 7, 1992; in effect ninety days from passage.]

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
2 health, jurisdiction over barbers and cosmetologists,
3 except as otherwise specifically provided in this code.

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

8 (c) The director or a designee shall provide admin-
9 istrative support to the board of barbers and cosmetol-
10 ogists as may be appropriate and reasonable.

11 (d) The director of health shall appoint not more
12 than six inspectors, who shall be licensed barbers and
13 cosmetologists of this state, as herein provided, and it
14 shall be their duty to make frequent inspections of all
15 barber and beauty shops and all schools of barbering
16 and beauty culture in this state and to report all
17 violations to the director of health. The salary of each
18 inspector shall range from twelve hundred eighty-
19 three dollars per month to fifteen hundred dollars per
20 month, depending upon the qualifications of the
21 inspector. Allowances for expenses of such inspectors
22 shall be that fixed and allowed by the director of
23 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.

1 (a) The board of barbers and beauticians heretofore
2 established is continued and shall be known hence-
3 forth as the board of barbers and cosmetologists. The

4 annual salary of the director of such board shall be
5 thirty-one thousand seven hundred ninety-six dollars.
6 All members of the board, serving for a term which
7 has not expired on the effective date of this article,
8 shall continue to serve the terms for which they were
9 appointed. The board shall promulgate rules pertain-
10 ing to the licensure and qualifications of barbers,
11 cosmetologists and manicurists, and curricula and
12 standards of instruction for schools of barbering and
13 beauty culture. The board shall aid and assist in the
14 enforcement of all rules in accordance with the
15 provisions of article fourteen, chapter sixteen of this
16 code. The board shall consist of four professional
17 members to be appointed by the governor, by and
18 with the advice and consent of the Senate, and one lay
19 member to be appointed in accordance with the
20 provisions of section four-a, article one of this chapter.
21 Of the four professional members, one shall be an
22 employing barber, one an employee barber, one an
23 employing cosmetologist and one an employee cosme-
24 tologist. Each professional member of the board shall
25 have been engaged within this state in the practice of
26 barbering or beauty culture, as the case may be, for a
27 period of five years prior to his or her appointment
28 and no more than two of the four professional
29 members may belong to the same political party. No
30 member of the board shall own or have a pecuniary
31 interest in a barber or beauty culture school licensed
32 by or doing business within this state or shall be
33 employed by such an institution.

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

39 (c) The board shall designate one of its members as
40 chairperson.

41 (d) Each member of the board shall receive as
42 compensation a per diem of fifty dollars for each day
43 of attendance at board sessions, but such compensation
44 for each member shall not exceed the sum of three

45 thousand dollars in any calendar year. Each member
46 shall be reimbursed for actual and necessary expenses
47 incurred in the performance of his or her duties, upon
48 presentation of an itemized sworn statement thereof.

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

55 (f) It is unlawful for any person to practice or offer
56 to practice barbering, beauty culture or manicuring in
57 this state without first obtaining a license for such
58 purposes from the board of barbers and cosmetologists.

59 (g) The board shall have the power to promulgate
60 rules generally regarding the practice and conduct of
61 barbering and beauty culture, including, but not
62 limited to, the procedures, criteria and curricula for
63 examination and qualifications of applicants for licen-
64 sure, and for the licensing of instructional personnel
65 for schools of barbering and beauty culture.

66 The power of the board to promulgate such rules
67 shall be concurrent with that of the board of health as
68 authorized in article fourteen, chapter sixteen of this
69 code: *Provided*, That in the case of conflicting provi-
70 sions regarding requirements for health and sanita-
71 tion, the rule or regulation of the board of health shall
72 be deemed to apply. The board of health and the board
73 of barbers and cosmetologists shall for a reasonable fee
74 make available upon request to any licensee a copy of
75 such rules.

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

Lomer Leck
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Harold E. Allen
.....
Clerk of the Senate

Donald J. Kopf
.....
Clerk of the House of Delegates

Paul Pennington
.....
President of the Senate

Barth
.....
Speaker House of Delegates

The within *is approved* this the *18th*
day of *April*, 1992.

Walter
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/25/92

Time 5:00 pm