WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1996

ENROLLED

HOUSE BILL No. 4591

(By Delegate 3 Given, Trump Compton, Rowe and Michael)

Passed March 9, 1996

In Effect Ninety Days From Passage
ENROLLED

H. B. 4591

(By Delegates Given, Trump, Compton, Rowe and Michael)

[Passed March 9, 1996; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and ten, article twenty-seven, chapter thirty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the board of barbers and cosmetologists; placing aestheticians under the authority of the board; permitting tropical birds in shops; and authorizing the promulgation of rules by the board of health to establish sanitation and safety requirements.

Be it enacted by the Legislature of West Virginia:

That sections one and ten, 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 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 established is continued and shall be known henceforth as the board of barbers and cosmetologists. 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 pursuant to the provisions of article
three, chapter twenty-nine-a of this code, 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 em-
ployee 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 appoint-
ment and no more than two of the four professional mem-
bers 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 busi-
ness 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 com-
ensation a per diem of fifty dollars for each day of atten-
dance at board sessions, but compensation for each mem-
ber 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 perfor-
mance 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 licensure, and for the licensing of instructional personnel for schools of barbering and beauty culture, and the practice and conduct of aestheticians.

The power of the board to promulgate 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 provisions regarding requirements for health and sanitation, the rule 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 any rules.

§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) The 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 the
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 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 the shop or
school, whereupon it shall become the duty of the board,
through the inspectors herein provided for, to inspect that
shop or school. Upon giving notice of the opening of any
shop or school, the owner or operator 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. If, however, after the
lapse of ten days after the giving of the notice of opening
to the board, an inspection is not made or a certificate of
opening has not been granted or refused, the owner or
operator of the shop or school may open provisionally
subject to later inspection and to all other provisions and
rules provided for in this article;

(b) All shops and schools, 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 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 that 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 any other rules in
regard to sanitation and cleanliness in such shops and
schools as it may deem proper and necessary: Provided,
That these shops may contain a tropical bird for display
purposes: Provided, however, That the board of health in
consultation with the board of barbers and cosmetologists
and the board of veterinary medicine shall promulgate rules establishing minimum sanitary and safety requirements designed to protect the health of both the public and the tropical birds. The director of health or inspectors designated pursuant to subsection (d), section one, article fourteen, chapter sixteen of the code shall have the power to enforce compliance. All rules 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

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 20th day of March, 1996.

Governor