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2011 APR -1 AM 11:20

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2011



ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 2368

(By Delegate Morgan)



Passed March 12, 2011

In Effect From Passage

HB 2368

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COMMITTEE SUBSTITUTE

FOR

H. B. 2368

(BY DELEGATE MORGAN)

[Passed March 12, 2011; in effect from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections designated §30-27-8a and §30-27-11a, relating to the Board of Barbers and Cosmetologists; authorizing the establishment of a barber apprenticeship program and shampoo assistant permit; and rulemaking and emergency rulemaking authority.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new sections designated §30-27-8a and §30-27-11a, all to read as follows:

**ARTICLE 27. BOARD OF BARBERS AND
COSMETOLOGISTS.**

§30-27-8a. Barber apprentice.

1 (a) The board may establish an apprenticeship program
2 to become a barber. A barber apprentice shall work at all
3 times under the direct supervision of a licensed barber and
4 any permit issued by the board to work as a barber apprentice
5 does not allow a person to practice individually as a barber.

6 (b) An applicant for a barber apprenticeship shall present
7 satisfactory evidence that he or she:

8 (1) Is at least eighteen years of age;

9 (2) Is of good moral character;

10 (3) Has a high school diploma, a GED, or has passed the
11 “ability to benefit test” approved by the United States
12 Department of Education;

13 (4) Has paid the applicable fee;

14 (5) Has a certificate of health from a licensed physician;

15 (6) Is a citizen of the United States or is eligible for
16 employment in the United States; and

17 (7) Has fulfilled any other requirement specified by the
18 board.

19 (c) An applicant for a sponsor of a barber apprentice shall
20 present satisfactory evidence that he or she:

21 (1) Is licensed as a barber under the provisions of this
22 article;

23 (2) Has paid the applicable fee; and

24 (3) Has fulfilled any other requirement specified by the
25 board.

26 (d) The board may propose emergency rules and rules for
27 legislative approval, in accordance with the provisions of
28 article three, chapter twenty-nine-a of this code, to implement
29 the provisions of this section, including:

30 (1) The requirements for:

31 (A) The barber apprenticeship program;

32 (B) The barber apprentice permit; and

33 (C) A licensed barber to sponsor a barber apprentice;

34 (2) Procedures for an examination;

35 (3) A fee schedule; and

36 (4) Any other rules necessary to effectuate the provisions
37 of this section.

§30-27-11a. Shampoo assistant.

1 (a) The board may establish a shampoo assistant permit.
2 A shampoo assistant shall work at all times under the direct
3 supervision of a licensed barber or cosmetologist and any
4 permit issued by the board to work as a shampoo assistant
5 does not allow a person to practice individually as a shampoo
6 assistant.

7 (b) A shampoo assistant is only authorized to perform the
8 following services:

9 (1) Shampooing and rinsing hair;

10 (2) Removing rollers or permanent rods; and

11 (3) Cleansing or other sink-related functions not requiring
12 the skill of a licensee.

13 (c) An applicant for a shampoo assistant permit shall
14 present satisfactory evidence that he or she:

15 (1) Is at least sixteen years of age;

16 (2) Is of good moral character;

17 (3) Is in high school or has a high school diploma, a
18 GED, or has passed the "ability to benefit test" approved by
19 the United States Department of Education;

20 (4) Has paid the applicable fee;

21 (5) Has a certificate of health from a licensed physician;

22 (6) Is a citizen of the United States or is eligible for
23 employment in the United States; and

24 (7) Has fulfilled any other requirement specified by the
25 board.

26 (d) The board may propose rules for legislative approval,
27 in accordance with the provisions of article three, chapter
28 twenty-nine-a of this code, to implement the provisions of
29 this section, including:

30 (1) The requirements and procedures for a shampoo
31 assistant permit:

32 (2) A fee schedule; and

33 (3) Any other rules necessary to effectuate the provisions
34 of this section.

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

Michael T. Jones
Chairman, House Committee

Ronald F. White
Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Bryce W. Boy
Clerk of the House of Delegates

Darrell Stephens
Clerk of the Senate

[Signature]
Speaker of the House of Delegates

[Signature]
Acting President of the Senate

The within as appended this the 31st
day of March, 2011.

Carl Ray Tomblin
Governor

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PRESENTED TO THE GOVERNOR

MAR 21 2011

Time 11:05am