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
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.

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

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

1. Is at least eighteen years of age;
2. Is of good moral character;
3. Has a high school diploma, a GED, or has passed the "ability to benefit test" approved by the United States Department of Education;
4. Has paid the applicable fee;
5. Has a certificate of health from a licensed physician;
6. Is a citizen of the United States or is eligible for employment in the United States; and
7. Has fulfilled any other requirement specified by the board.

(c) An applicant for a sponsor of a barber apprentice shall present satisfactory evidence that he or she:
(1) Is licensed as a barber under the provisions of this article;

(2) Has paid the applicable fee; and

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

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

(1) The requirements for:

(A) The barber apprenticeship program;

(B) The barber apprentice permit; and

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

(2) Procedures for an examination;

(3) A fee schedule; and

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

§30-27-11a. Shampoo assistant.

(a) The board may establish a shampoo assistant permit. A shampoo assistant shall work at all times under the direct supervision of a licensed barber or cosmetologist and any permit issued by the board to work as a shampoo assistant does not allow a person to practice individually as a shampoo assistant.
(b) A shampoo assistant is only authorized to perform the following services:

(1) Shampooing and rinsing hair;

(2) Removing rollers or permanent rods; and

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

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

(1) Is at least sixteen years of age;

(2) Is of good moral character;

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

(4) Has paid the applicable fee;

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

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

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

(d) The board may propose rules for legislative approval, in accordance with the provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this section, including:
(1) The requirements and procedures for a shampoo assistant permit;

(2) A fee schedule; and

(3) Any other rules necessary to effectuate the provisions of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Michael J. Busch  
Chairman, House Committee

Joseph M. Miller  
Chairman, Senate Committee

Originating in the House.

To take effect from passage.

Suzanne Evans  
Clerk of the House of Delegates

Darrell Eales  
Clerk of the Senate

Mike Busch  
Speaker of the House of Delegates

Mary K. Smith  
Acting President of the Senate

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

Earl Ray Tomblin  
Governor
PRESENTED TO THE GOVERNOR

MAR 2 1 2011

Time 11:05AM