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OFFICE WEST VIRGINIA  
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# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2012



# ENROLLED

## House Bill No. 4097

(By Delegates Morgan, Doyle and Lawrence)



Passed March 6, 2012

To Take Effect Ninety Days From Passage

HB 4097

**ENROLLED**

FILED

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**H. B. 4097**

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(BY DELEGATES MORGAN, DOYLE AND LAWRENCE)

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[Passed March 6, 2012; to take effect ninety days from passage.]

AN ACT to amend and reenact §30-27-3 and §30-27-8 of the Code of West Virginia, 1931, as amended, all relating to professions and occupations; Board of Barbers and Cosmetologists; and creating a license to practice hair styling.

*Be it enacted by the Legislature of West Virginia:*

That §30-27-3 and §30-27-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

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

**§30-27-3. Definitions.**

1 As used in this article, the following words and terms  
2 have the following meanings, unless the context clearly  
3 indicates otherwise:

4 (a) "Aesthetics" or "esthetics" means any one or any  
5 combination of the following acts when done on the human  
6 body for compensation and not for the treatment of disease:

7 (1) Administering cosmetic treatments to enhance or  
8 improve the appearance of the skin, including cleansing,  
9 toning, performing effleurage or other related movements,  
10 stimulating, exfoliating or performing any other similar  
11 procedure on the skin of the human body or scalp;

12 (2) Applying, by hand or with a mechanical or electrical  
13 apparatus, any cosmetics, makeups, oils, powders, clays,  
14 antiseptics, tonics, lotions, creams or chemical preparations  
15 necessary for the practice of aesthetics to another person's  
16 face, neck, back, shoulders, hands, elbows and feet up to and  
17 including the knee;

18 (3) The rubbing, cleansing, exercising, beautifying or  
19 grooming of another person's face, neck, back, shoulders,  
20 hands, elbows and feet up to and including the knee;

21 (4) The waxing, tweezing and threading of hair on  
22 another person's body;

23 (5) The wrapping of another person's body in a body  
24 wrap;

25 (6) Applying artificial eyelashes and eyebrows; and

26 (7) The lightening of hair on the body except the scalp.

27 (b) "Aesthetician" or "esthetician" means a person  
28 licensed under the provisions of this article who engages in  
29 the practice of aesthetics.

30 (c) "Applicant" means a person making application for a  
31 professional license, license, certificate, registration, permit  
32 or renewal under the provisions of this article.

33 (d) "Barber" means a person licensed under the  
34 provisions of this article who engages in the practice of  
35 barbering.

36 (e) "Barbering" means any one or any combination of the  
37 following acts when done on the human body for  
38 compensation and not for the treatment of disease:

39 (1) Shaving, shaping and trimming the beard, or both;

40 (2) Cutting, singeing, shampooing, arranging, dressing,  
41 tinting, bleaching, or applying lotions or tonics on human  
42 hair, or a wig or hairpiece; and

43 (3) Applications, treatments or rubs of the scalp, face, or  
44 neck with oils, creams, lotions, cosmetics, antiseptics,  
45 powders, or other preparations in connection with the  
46 shaving, cutting or trimming of the hair or beard.

47 (f) "Barber crossover" or "cosmetologist crossover" is a  
48 person who is licensed to perform barbering and  
49 cosmetology.

50 (g) "Barber permanent waving" means the following acts  
51 done on the human body for compensation and not for the  
52 treatment of disease:

53 (1) The bleaching or tinting of hair; and

54 (2) The permanent waving of hair.

55 (h) "Barber permanent waviest" means a person licensed  
56 to perform barbering and barber permanent waving.

57 (i) "Board" means the West Virginia Board of Barbers  
58 and Cosmetologists.

59 (j) "Certificate" means an instructor certificate to teach in  
60 a school under the provisions of this article.

61 (k) "Certificate holder" means a person certified as an  
62 instructor to teach in a school under the provisions of this  
63 article.

64 (l) "Cosmetologist" means a person licensed under the  
65 provisions of this article who engages in the practice of  
66 cosmetology.

67 (m) "Cosmetology" means any one or any combination  
68 of the following acts when done on the human body for  
69 compensation and not for the treatment of disease:

70 (1) Cutting, styling, shaping, arranging, braiding,  
71 weaving, dressing, adding extensions, curling, waving,  
72 permanent waving, relaxing, straightening, shampooing,  
73 cleansing, singeing, bleaching, tinting, coloring, waxing,  
74 tweezing, or similarly work on human hair, or a wig or  
75 hairpiece, by any means, including hands, mechanical or  
76 electrical devices or appliances;

77 (2) Nail care;

78 (3) Applying by hand or with a mechanical or electrical  
79 device or appliance, any cosmetics, makeups, oils, powders,  
80 clays, antiseptics, tonics, lotions, creams or chemical  
81 preparations necessary for the practice of aesthetics to  
82 another person's face, neck, shoulders, hands, elbows and  
83 feet up to and including the knee;

84 (4) The rubbing, cleansing, exercising, beautifying or  
85 grooming of another person's face, neck, shoulders, hands,  
86 elbows and feet up to and including the knee;

87 (5) The wrapping of another person's body in a body  
88 wrap; and

89 (6) Performing aesthetics.

90 (n) "General supervision" means:

91 (1) For schools, a master or certified instructor is on the  
92 premises and is quickly and easily available; or

93 (2) For salons, a professional licensee is on the premises  
94 and is quickly and easily available.

95 (o) "Hair braiding" means any one or any combination of  
96 the following acts when done on the human body for  
97 compensation and not for the treatment of disease: Braiding,  
98 plaiting, twisting, wrapping, threading, weaving, extending  
99 or locking of natural human hair by hand or mechanical  
100 device.

101 (p) "Hair Styling" means any one or any combination of  
102 the following acts when done on the human body for  
103 compensation and not for the treatment of disease:

104 (1) Cutting, styling, shaping, arranging, braiding,  
105 weaving, dressing, adding extensions, curling, waving,  
106 permanent waving, relaxing, straightening, shampooing,  
107 cleansing, singeing, bleaching, tinting, coloring, waxing,  
108 tweezing, threading or similarly work on human hair, or a  
109 wig or hairpiece, by any means, including hands, mechanical  
110 or electrical devices or appliances;

111 (2) The rubbing, cleansing, exercising, beautifying or  
112 grooming of another person's face, neck, shoulders, hands,  
113 elbows and feet up to and including the knee.

114 (q) "Hair Stylist" means a person licensed under the  
115 provisions of this article who engages in the practice of hair  
116 styling.

117 (r) "License" means a professional license, a salon license  
118 or a school license.

119 (s) "Licensee" means a person, corporation or firm  
120 holding a license issued under the provisions of this article.

121 (t) "Nail care" means any one or any combination of the  
122 following acts when done on the human body for  
123 compensation and not for the treatment of disease:

124 (1) The cleansing, dressing, or polishing of nails of a  
125 person;

126 (2) Performing artificial nail service; and

127 (3) The cosmetic treatment of the feet up to the knee and  
128 the hands up to the elbow.

129 (u) "Nail technician" or "manicurist" means a person  
130 licensed under the provisions of this article who engages in  
131 the practice of nail care.

132 (v) "Permit" means a work permit.

133 (w) "Permitee" means a person holding a work permit.

134 (x) "Professional license" means a license to practice as  
135 an aesthetician, barber, barber crossover, barber permanent  
136 wavist, cosmetologist, cosmetologist crossover or nail  
137 technician.

138 (y) "Registration" means a registration issued by the  
139 board to a person who rents or leases a booth or chair from a  
140 licensed salon owner and operator, or both, or a registration  
141 issued by the board to a person who is a student in a school.

142 (z) "Registrant" means a person who holds a registration  
143 under the provisions of this article.

144 (aa) "Salon" means a shop or other facility where a  
145 person practices under a professional license.

146 (bb) "Salon license" means a license to own and operate  
147 a salon.

148 (cc) "School" means a facility to educate persons to be  
149 licensed with professional licenses under the provisions of  
150 this article.

151 (dd) "School license" means a license to own and operate  
152 a school.

153 (ee) "Student registration" means a registration issued by  
154 the board to a student to study at a school licensed under the  
155 provisions of this article.

**§30-27-8. Professional license requirements.**

1 (a) An applicant for a professional license to practice as  
2 an aesthetician, barber, barber crossover, barber permanent  
3 wavist, cosmetologist, hair stylist, cosmetologist crossover or  
4 nail technician shall present satisfactory evidence that he or  
5 she:

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

7 (2) Is of good moral character;

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

11 (4) Has graduated from a school which has been  
12 approved by the board;

13 (5) Has passed an examination that tests the applicant’s  
14 knowledge of subjects specified by the board: *Provided,*  
15 That the board may recognize a certificate or similar license  
16 in lieu of the examination or part of the examination that the  
17 board requires;

18 (6) Has paid the applicable fee;

19 (7) Presents a certificate of health from a licensed  
20 physician;

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

23 (9) Has fulfilled any other requirement specified by the  
24 board.

25 (b) A license to practice issued by the board prior to July  
26 1, 2009, shall for all purposes be considered a professional  
27 license issued under this article: *Provided,* That a person  
28 holding a license issued prior to July 1, 2009, must renew the  
29 license pursuant to the provisions of this article.

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

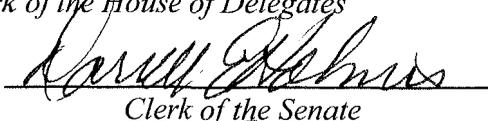
  
Chairman, House Committee

  
Chairman, Senate Committee

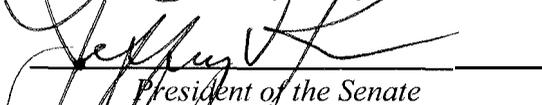
Originating in the House.

To take effect ninety days from passage.

  
Clerk of the House of Delegates

  
Clerk of the Senate

  
Speaker of the House of Delegates

  
President of the Senate

The within is approved this the 14th  
day of March, 2012.

  
Governor

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SECRETARY OF STATE  
WEST VIRGINIA

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FILED

PRESENTED TO THE GOVERNOR

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