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
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.


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

(a) "Aesthetics" or "esthetics" means any one or any combination of the following acts when done on the human body for compensation and not for the treatment of disease:
(1) Administering cosmetic treatments to enhance or improve the appearance of the skin, including cleansing, toning, performing effleurage or other related movements, stimulating, exfoliating or performing any other similar procedure on the skin of the human body or scalp;

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

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

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

(5) The wrapping of another person’s body in a body wrap;

(6) Applying artificial eyelashes and eyebrows; and

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

(b) “Aesthetician” or “esthetician” means a person licensed under the provisions of this article who engages in the practice of aesthetics.

(c) “Applicant” means a person making application for a professional license, license, certificate, registration, permit or renewal under the provisions of this article.
(d) “Barber” means a person licensed under the provisions of this article who engages in the practice of barbering.

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

1. Shaving, shaping and trimming the beard, or both;
2. Cutting, singeing, shampooing, arranging, dressing, tinting, bleaching, or applying lotions or tonics on human hair, or a wig or hairpiece; and
3. Applications, treatments or rubs of the scalp, face, or neck with oils, creams, lotions, cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting or trimming of the hair or beard.

(f) “Barber crossover” or “cosmetologist crossover” is a person who is licensed to perform barbering and cosmetology.

(g) “Barber permanent waving” means the following acts done on the human body for compensation and not for the treatment of disease:

1. The bleaching or tinting of hair; and
2. The permanent waving of hair.

(h) “Barber permanent wavist” means a person licensed to perform barbering and barber permanent waving.

(i) “Board” means the West Virginia Board of Barbers and Cosmetologists.
(j) “Certificate” means an instructor certificate to teach in a school under the provisions of this article.

(k) “Certificate holder” means a person certified as an instructor to teach in a school under the provisions of this article.

(l) “Cosmetologist” means a person licensed under the provisions of this article who engages in the practice of cosmetology.

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

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

2. Nail care;

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

4. The rubbing, cleansing, exercising, beautifying or grooming of another person’s face, neck, shoulders, hands, elbows and feet up to and including the knee;
(5) The wrapping of another person’s body in a body wrap; and

(6) Performing aesthetics.

(n) “General supervision” means:

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

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

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

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

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

(2) The rubbing, cleansing, exercising, beautifying or grooming of another person’s face, neck, shoulders, hands, elbows and feet up to and including the knee.
(q) “Hair Stylist” means a person licensed under the provisions of this article who engages in the practice of hair styling.

(r) “License” means a professional license, a salon license or a school license.

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

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

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

(2) Performing artificial nail service; and

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

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

(v) “Permit” means a work permit.

(w) “Permitee” means a person holding a work permit.

(x) “Professional license” means a license to practice as an aesthetician, barber, barber crossover, barber permanent wavist, cosmetologist, cosmetologist crossover or nail technician.
(y) “Registration” means a registration issued by the board to a person who rents or leases a booth or chair from a licensed salon owner and operator, or both, or a registration issued by the board to a person who is a student in a school.

(z) “Registrant” means a person who holds a registration under the provisions of this article.

(aa) “Salon” means a shop or other facility where a person practices under a professional license.

(bb) “Salon license” means a license to own and operate a salon.

(cc) “School” means a facility to educate persons to be licensed with professional licenses under the provisions of this article.

(dd) “School license” means a license to own and operate a school.

(ee) “Student registration” means a registration issued by the board to a student to study at a school licensed under the provisions of this article:

§30-27-8. Professional license requirements.

(a) An applicant for a professional license to practice as an aesthetcian, barber, barber crossover, barber permanent wavist, cosmetologist, hair stylist, cosmetologist crossover or nail technician 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 graduated from a school which has been approved by the board;

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

(6) Has paid the applicable fee;

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

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

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

(b) A license to practice issued by the board prior to July 1, 2009, shall for all purposes be considered a professional license issued under this article: Provided, That a person holding a license issued prior to July 1, 2009, must renew the 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 approved this the 14th day of March, 2012.

Governor
PRESENTED TO THE GOVERNOR

MAR 12 2012

Time ___ 10:25 am ___