

H. B. 4097

(BY DELEGATES MORGAN, DOYLE AND LAWRENCE)

[Introduced January 17, 2012; referred to the
Committee on Government Organization.]

A BILL 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 have
- 2 the following meanings, unless the context clearly indicates
- 3 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 wrap;

24 (6) Applying artificial eyelashes and eyebrows; and

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

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

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

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

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

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

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

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

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

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

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

53 (2) The permanent waving of hair.

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

56 (i) “Board” means the West Virginia Board of Barbers and
57 Cosmetologists.

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

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

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

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

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

76 (2) Nail care;

77 (3) Applying by hand or with a mechanical or electrical
78 device or appliance, any cosmetics, makeups, oils, powders,

79 clays, antiseptics, tonics, lotions, creams or chemical
80 preparations necessary for the practice of aesthetics to
81 another person's face, neck, shoulders, hands, elbows and
82 feet up to and including the knee;

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

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

88 (6) Performing aesthetics.

89 (n) "General supervision" means:

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

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

94 (o) "Hair braiding" means any one or any combination of
95 the following acts when done on the human body for
96 compensation and not for the treatment of disease: Braiding,
97 plaiting, twisting, wrapping, threading, weaving, extending

98 or locking of natural human hair by hand or mechanical
99 device.

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

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

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

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

116 ~~(p)~~ (r) “License” means a professional license, a salon
117 license or a school license.

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

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

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

125 (2) Performing artificial nail service; and

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

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

131 ~~(t)~~ (v) “Permit” means a work permit.

132 ~~(u)~~ (w) “Permittee” means a person holding a work
133 permit.

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

138 ~~(w)~~ (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/or operator, or both, or a
141 registration issued by the board to a person who is a student
142 in a school.

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

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

147 ~~(z)~~ (bb) “Salon license” means a license to own and
148 operate a salon.

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

152 ~~(bb)~~ (dd) “School license” means a license to own and
153 operate a school.

154 ~~(cc)~~ (ee) “Student registration” means a registration
155 issued by the board to a student to study at a school licensed
156 under the provisions of this article.

§30-27-8. Professional license requirements.

1 (a) An applicant for a professional license to practice as
2 a 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 physician;

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

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

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

NOTE: The purpose of the bill is to create a hair stylist license.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.