

H. B. 2777

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[Originating in the Committee on Government Organization.]
[February 13, 2015]

A BILL to amend the Code of West Virginia, 1931, as amended, by repealing §30-27-11a and §30-27-12; to amend and reenact §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-8, §30-27-8a, §30-27-10, §30-27-11 and §30-27-16 of the code; and to amend said code by adding thereto three new sections, designated §30-27-8b, §30-27-8c, and §30-27-8d, all relating to licensing of barbers, cosmetologists, and hairstylists; revising the membership requirements of the Board of Barbers and Cosmetologists; exempting shampoo assistants and hair braiding from licensure by the Board of Barbers and Cosmetologists; changing the requirement for licensure of aestheticians and nail

technicians to registration; creating certifications; modifying barber apprentice program; limiting continuing education requirements for barbers and cosmetologists; and modifying the requirements to be an instructor in a school.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by repealing §30-27-11a and §30-27-12; that §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-27-6, §30-27-8, §30-27-8a, §30-27-10, §30-27-11 and §30-27-16 of said code be amended and reenacted; and that said code be amended by adding thereto three new sections, designated §30-27-8b, §30-27-8c, and §30-27-8d, all to read as follows:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

ARTICLE 27. BOARD OF BARBERS AND COSMETOLOGISTS.

§30-27-1. Unlawful acts.

- 1 (a) It is unlawful for any person to practice or offer to
- 2 practice barbering, ~~barber permanent waving~~, cosmetology, or
- 3 hair styling, ~~aesthetics, or nail care~~ in this state without a license
- 4 issued under the provisions of this article, or advertise or use any
- 5 title or description tending to convey the impression that the
- 6 person is a licensed ~~aesthetician~~, barber, ~~barber crossover~~, ~~barber~~
- 7 ~~permanent wavist~~, cosmetologist, ~~cosmetologist crossover~~ or ~~nail~~
- 8 ~~technician~~ or hairstylist, unless the person has been licensed

9 under the provisions of this article, and the license has not
10 expired, been suspended or revoked.

11 (b) No salon, except through a licensee, may render any
12 service or engage in any activity which if rendered or engaged in
13 by an individual, would constitute the practices licensed under
14 the provisions of this article.

15 (c) No school, except through a licensee, may instruct,
16 render any service or engage in any activity which if taught,
17 rendered or engaged in by an individual, would constitute the
18 practices licensed under the provisions of this article.

§30-27-2. Applicable law.

1 The practices licensed or registered under the provisions of
2 this article and the board of Barbers and Cosmetologists are
3 subject to the provisions of article one of this chapter, the
4 provisions of this article, and any rules promulgated hereunder.

§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 body
6 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, toning,
9 performing effleurage or other related movements, stimulating,
10 exfoliating or performing any other similar procedure on the skin
11 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 face,
16 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, hands,
20 elbows and feet up to and including the knee;

21 (4) The waxing, tweezing and threading of hair on another
22 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 licensed
27 under the provisions of this article who engages in the practice
28 of aesthetics.

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

32 (d) “Barber” means a person licensed under the provisions
33 of this article who engages in the practice of barbering and has
34 completed 1500 clock hours of training at a licensed school
35 approved by the West Virginia Council for Community and
36 Technical College Education.

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

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

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

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

48 (f) “Barber crossover” or “cosmetologist crossover” is a
49 ~~person who is licensed to perform barbering and cosmetology.~~
50 who has completed 1500 clock hours of training, is licensed as

51 a barber, and completes an additional 600 hours of training to
52 perform cosmetology

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

56 ~~(1) The bleaching or tinting of hair; and~~

57 ~~(2) The permanent waving of hair.~~

58 ~~(h) “Barber permanent waviest” means a person licensed to~~
59 ~~perform barbering and barber permanent waving:~~

60 ~~(i) (g) “Board” means the West Virginia Board of Barbers~~
61 ~~and Cosmetologists.~~

62 ~~(j) (h) “Certificate” means an instructor certificate to teach~~
63 ~~in a school under the provisions of this article a document issued~~
64 ~~by the Board for additional training received through a school~~
65 ~~licensed in this state or through an industry recognized program.~~

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

68 ~~(l) (i) “Cosmetologist” means a person licensed under the~~
69 ~~provisions of this article who engages in the practice of~~
70 ~~cosmetology and who has completed 1800 clock hours of~~
71 ~~training at a licensed school approved by the West Virginia~~
72 ~~Council for Community and Technical College Education.~~

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

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

82 (2) Nail care;

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

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

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

94 (6) Performing aesthetics.

95 ~~(n)~~ (k) “Cosmetology crossover” is a person who has
96 completed 1800 clock hours of training, is licensed as a
97 cosmetologist, and completes an additional 300 hours of training
98 to perform barbering.

99 ~~(n)~~(l) “General supervision” means:

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

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

104 ~~(o)~~(m) “Hair braiding” means any one or any combination
105 of the following acts when done on the human body for
106 compensation and not for the treatment of disease: Braiding,
107 plaiting, twisting, wrapping, threading, weaving, interweaving,
108 extending or locking of natural human hair or manufactured
109 materials around human hair by hand or mechanical device.

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

113 (1) Cutting, styling, shaping, arranging, ~~braiding, weaving,~~
114 dressing, adding extensions, curling, waving, permanent waving,
115 relaxing, straightening, shampooing, cleansing, singeing,
116 bleaching, tinting, coloring, waxing, tweezing, threading or
117 similarly work on human hair, or a wig or hairpiece, by any

118 means, including hands, mechanical or electrical devices or
119 appliances;

120 (2) The rubbing, cleansing, exercising, beautifying or
121 grooming of another person’s face, neck, shoulders, hands,
122 elbows and feet up to and including the knee.

123 ~~(q)~~(o) “Hair Stylist” means a person licensed under the
124 provisions of this article who engages in the practice of hair
125 styling.

126 (p) “Hair stylist crossover” is a person who has completed
127 1200 clock hours of training, is licensed as a hairstylist, and
128 completes 300 hours of training to perform barbering.

129 ~~(r)~~(q) “License” means a professional license, a salon license
130 or a school license.

131 ~~(s)~~(r) “Licensed school” means a facility which has been
132 approved by the West Virginia Council for Community and
133 Technical College Education pursuant to section nine, article
134 two-b, chapter eighteen-b of this code, to educate persons to be
135 licensed or issued certain permits under the provisions of this
136 article.

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

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

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

143 (2) Performing artificial nail service; and

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

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

149 ~~(w)~~(v) “Permit” means a work permit.

150 ~~(x)~~(w) “Permittee” means a person holding a work permit.

151 ~~(y)~~(x) “Professional license” means a license to practice as
152 a ~~aesthetician, barber, barber crossover, barber permanent~~
153 ~~wavist, cosmetologist, cosmetologist crossover or nail technician~~
154 hair stylist.

155 ~~(z)~~(y) “Registration” means a registration issued by the
156 board to a person who rents or leases a booth or chair from a
157 licensed salon owner and operator, or both, ~~or a registration~~
158 ~~issued by the board to a person who is a student in a school~~ or a
159 registration issued to an aesthetician or nail technician pursuant
160 to section eight-b or this article.

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

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

165 ~~(cc)~~(bb) “Salon license” means a license to own and operate
 166 a salon.

167 ~~(dd)~~“Student registration” means a registration issued by the
 168 board to a student to study at a school licensed under the
 169 provisions of this article.

170 (cc) “Shampoo assistant” means a person who performs only
 171 the following services:

172 (1) Shampooing and rinsing hair;

173 (2) Removing rollers or permanent rods; and

174 (3) Cleansing or other sink-related functions not requiring
 175 the skill of a basic barber.

§30-27-4. Board of Barbers and Cosmetologists.

1 (a) The West Virginia Board of Barbers and Cosmetologists
 2 is continued. The members of the board in office on July 1, 2014
 3 2015, shall, unless sooner removed, continue to serve until their
 4 respective terms expire and until their successors have been
 5 appointed and qualified.

6 (b) The Governor, by and with the advice and consent of the
 7 Senate, shall appoint:

8 (1) One licensed cosmetologist or crossover cosmetologist;

9 (2) One licensed barber or barber crossover;

10 ~~(3) One licensed barber crossover or licensed barber~~
 11 ~~permanent wavist;~~

12 ~~(4) One licensed aesthetician;~~

13 ~~(5) One licensed nail technician;~~

14 (6) One representative from a privately owned beauty school
15 licensed by the West Virginia Council for Community and
16 Technical College Education; and

17 (7) ~~One~~ Four citizen members representing the general
18 public.

19 (c) After the initial appointment term, the term shall be for
20 five years. All appointments to the board shall be made by the
21 Governor by and with the advice and consent of the Senate.

22 (d) Each licensed member of the board, at the time of his or
23 her appointment, must have held a professional license in this
24 state for a period of not less than three years immediately
25 preceding the appointment.

26 (e) Each member of the board must be a resident of this state
27 during the appointment term.

28 (f) A member may not serve more than two consecutive full
29 terms. A member may continue to serve until a successor has
30 been appointed and has qualified. A member serving on the
31 board on June 30, ~~2014~~ 2015, may be reappointed in accordance
32 with the provisions of this section.

33 (g) A vacancy on the board shall be filled by appointment by
34 the Governor for the unexpired term of the member whose office

35 is vacant and the appointment shall be made within sixty days of
36 the vacancy.

37 (h) The Governor may remove any member from the board
38 for neglect of duty, incompetencye or official misconduct.

39 (i) A member of the board immediately and automatically
40 forfeits membership to the board if his or her license to practice
41 is suspended or revoked, is convicted of a felony under the laws
42 of any jurisdiction or becomes a nonresident of this state.

43 (j) The board shall elect annually one of its members as
44 chairperson who serves at the will of the board.

45 (k) Each member of the board is entitled to compensation
46 and expense reimbursement in accordance with article one of
47 this chapter.

48 (l) A majority of the members of the board constitutes a
49 quorum.

50 (m) The board shall hold at least two annual meetings. Other
51 meetings may be held at the call of the chairperson or upon the
52 written request of two members, at the time and place as
53 designated in the call or request.

54 (n) Prior to commencing his or her duties as a member of the
55 board, each member shall take and subscribe to the oath required
56 by section five, article four of the Constitution of this state.

§30-27-5. Powers and duties of the board.

1 (a) The board has all the powers and duties set forth in this
2 article, by rule, in article one of this chapter and elsewhere in
3 law.

4 (b) The board shall:

5 (1) Hold meetings, conduct hearings and administer
6 examinations;

7 (2) Establish requirements for licenses, permits, certificates
8 and registrations;

9 (3) Establish procedures for submitting, approving and
10 rejecting applications for licenses, permits, certificates and
11 registrations;

12 ~~(4) Determine the qualifications of any applicant for~~
13 ~~licenses, permits, certificates and registrations;~~

14 (5) Prepare, conduct, administer and grade examinations for
15 professional licenses and certificates; Provided, That the
16 examinations meet national standards.

17 (6) Determine the passing grade for the examinations;

18 (7) Maintain records of the examinations the board or a third
19 party administers, including the number of persons taking the
20 examinations and the pass and fail rate;

21 (8) Set operational standards and requirements for licensed
22 schools; Provided, That a licensed school shall have a minimum

23 of one chair per student; *Provided further*, That should the
24 number of students exceed twenty, no more than twenty chairs
25 shall be required.

26 (9) Hire, discharge, and establish the job requirements and
27 fix the compensation of the executive director;

28 (10) Maintain an office, and hire, discharge, establish the job
29 requirements and fix the compensation of employees,
30 investigators/inspectors and contracted employees necessary to
31 enforce the provisions of this article: *Provided*, That any
32 investigator/inspector employed by the board on July 1, 2009,
33 shall retain their coverage under the classified service, including
34 job classification, job tenure and salary, until that person retires
35 or is dismissed: *Provided, however*, That nothing may prohibit
36 the disciplining or dismissal of any investigator/inspector for
37 cause;

38 (11) Investigate alleged violations of the provisions of this
39 article, legislative rules, orders and final decisions of the board;

40 (12) Establish the criteria for the training of
41 investigators/inspectors;

42 (13) Set the requirements for investigations and inspections;
43 *Provided*, That inspections shall be conducted annually by either
44 the board or the local health department.

45 (14) Conduct disciplinary hearings of persons regulated by
46 the board;

47 (15) Determine disciplinary action and issue orders;

48 (16) Institute appropriate legal action for the enforcement of
49 the provisions of this article;

50 (17) Report violations of the provisions of this article, and
51 legislative rules promulgated pursuant to this article, alleged to
52 have been committed by a licensed school to the West Virginia
53 Council for Community and Technical College Education. The
54 board may continue to investigate any alleged violation that it
55 receives by May 1, 2013, and shall conclude any such
56 investigation by July 1, 2013. If the board determines that
57 probable cause exists that a violation occurred, the board
58 immediately shall advise and provide its investigation file to the
59 West Virginia Council for Community and Technical College
60 Education;

61 (18) Maintain an accurate registry of names and addresses of
62 all persons regulated by the board;

63 (19) Keep accurate and complete records of its proceedings,
64 and certify the same as may be necessary and appropriate;

65 (20) Establish the continuing education requirements for
66 professional licensees and certificate holders;

67 (21) Issue, renew, ~~combine~~, deny, suspend, revoke or
 68 reinstate licenses, permits, certificates and registrations;

69 (22) Establish a fee schedule;

70 (23) Propose rules in accordance with the provisions of
 71 article three, chapter twenty-nine-a of this code to implement the
 72 provisions of this article; and

73 (24) Take all other actions necessary and proper to effectuate
 74 the purposes of this article.

75 (c) The board may:

76 ~~(1) Establish joint licenses;~~

77 ~~(2)~~(1) Contract with third parties to administer the
 78 examinations required under the provisions of this article;

79 ~~(3)~~(2) Sue and be sued in its official name as an agency of
 80 this state;

81 ~~(4)~~(3) Confer with the Attorney General or his or her
 82 assistant in connection with legal matters and questions.

§30-27-6. Rulemaking.

1 (a) The board shall propose rules for legislative approval, in
 2 accordance with article three, chapter twenty-nine-a of this code,
 3 to implement the provisions of this article, including:

4 (1) Standards and requirements for licenses, permits,
 5 certificates and registrations;

6 (2) Procedures for examinations and reexaminations:
7 *Provided*, That the board shall offer examinations in all
8 languages other than English if available to the board and
9 requested by the applicant;

10 (3) Requirements for third parties to prepare and/or
11 administer examinations and reexaminations;

12 (4) Educational and experience requirements;

13 (5) The passing grade on the examinations;

14 (6) Standards for approval of courses ~~and curriculum~~;

15 *Provided*, That the board may only prescribe topics of study for
16 each area of practice to be licensed, registered or certified, not
17 the specific curriculum or hours devoted to each area of study.

18 (7) Procedures for the issuance and renewal of licenses,
19 permits, certificates and registrations;

20 (8) A fee schedule;

21 (9) Continuing education requirements for professional
22 licensees and certificate holders;

23 (10) The procedures for denying, suspending, revoking,
24 reinstating or limiting the practice of licensees, permittees,
25 certificate holders and registrants;

26 (11) Designating the regions for investigators/inspectors;

27 (12) Criteria for the training of investigators/inspectors;

28 (13) Requirements for investigations and inspections;

29 (14) Requirements for inactive or revoked licenses, permits,
30 certificates and registrations;

31 ~~(15) Establishing the training program and requirements for~~
32 ~~instructors for schools licensed under this article;~~

33 ~~(16)~~ (15) Establishing operating procedures for salons; and

34 ~~(17)~~ (16) Any other rules necessary to effectuate the
35 provisions of this article.

36 (b) The legislative rules relating to barber apprenticeship;
37 qualifications, training, examination and certification of
38 instructors in barbering and cosmetology shall expire upon the
39 enactment to the provisions of this article in 2015. The board
40 shall promulgate legislative rules pursuant to article three,
41 chapter twenty-nine-a consistent with the provisions of this
42 article as amended in 2015.

§30-27-8. Professional license requirements.

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

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

6 (2) Is of good moral character;

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

10 (4) Has graduated from a licensed school which has been
11 approved by the West Virginia Council for Community and
12 Technical College Education or has completed education
13 requirements in another state and meets the licensure provisions
14 of the board;

15 (5) Has passed an examination that tests the applicant's
16 knowledge of subjects specified by the board: *Provided*, That the
17 board may recognize a certificate or similar license in lieu of the
18 examination or part of the examination that the board requires:
19 *Provided further*, That any examination shall meet national
20 standards;

21 (6) Has paid the applicable fee;

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

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

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

27 (b) A license to practice issued by the board prior to July 1,
28 ~~2009~~ 2015, shall for all purposes be considered a professional
29 license issued under this article: *Provided*, That a person holding
30 a license issued prior to July 1, ~~2009~~ 2015, must renew the
31 license pursuant to the provisions of this article. After July 1,
32 2015, the Board shall issue both barber and cosmetologist

33 renewal licenses in the case of a barber crossover or
34 cosmetologist crossover and shall issue a barber license renewal
35 in the case of barber permanent wavist.

§30-27-8a. Barber apprentice

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

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

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

11 (2) Is of good moral character;

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

15 (4) Has paid the applicable fee;

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

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

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

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

23 ~~(1) Is licensed as a barber under the provisions of this article;~~

24 ~~(2) Has paid the applicable fee; and~~

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

27 (c) A sponsor of a barber apprentice shall be a licensed
28 barber with at least five years experience.

29 (d) A barber apprentice program shall consist of up to two
30 years of supervised training by a sponsor who shall advise the
31 board in writing that the barber apprentice is ready to take the
32 examination for licensure; *Provided*, that at the end of two years
33 of supervised training, a barber apprentice may take the
34 examination for licensure without the recommendation of the
35 sponsor.

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

40 ~~(1) The requirements for:~~

41 ~~(A) The barber apprenticeship program;~~

- 42 ~~(B) The barber apprentice permit; and~~
43 ~~(C) A licensed barber to sponsor a barber apprentice;~~
44 ~~(2) Procedures for an examination;~~
45 ~~(3) A fee schedule; and~~
46 ~~(4) Any other rules necessary to effectuate the provisions of~~
47 ~~this section.~~

§30-27-8b. Registration of Aestheticians and Nail Technicians.

- 1 (a) A person may not advertise or represent himself or
2 herself as an aesthetician or nail technician in this state unless he
3 or she is registered and by the board.
4 (b) To be eligible for registration by the board as an
5 aesthetician or nail technician, an applicant shall present
6 satisfactory evidence that he or she:
7 (1) Is at least eighteen years of age;
8 (2) Is of good moral character;
9 (3) Has a high school diploma, a GED, or has passed the
10 “ability to benefit test” approved by the United States
11 Department of Education;
12 (4) Has graduated from a licensed school which has been
13 approved by the West Virginia Council for Community and
14 Technical College Education or has completed education
15 requirements in another state and meets the registration
16 provisions of this section;

17 (5) Has paid the applicable fee;

18 (6) Presents a certificate of health from a licensed physician;

19 and

20 (7) Is a citizen of the United States or is eligible for

21 employment in the United States.

§30-27-8c. Certifications.

1 (a) The Board shall issue a certification to an applicant

2 licensed under this article who obtains additional training at a

3 licensed school that has been approved by the West Virginia

4 Council for Community and Technical College Education or an

5 industry recognized training program in the following areas:

6 (1) Waxing;

7 (2) Permanent waving;

8 (3) Barber crossover;

9 (4) Cosmetology crossover;

10 (5) Hairstylist crossover;

**§30-27-8d. Shampoo Assistant and Hair Braiding; exemptions
from licensure.**

1 (a) Notwithstanding any provision of this code, a person may

2 practice hair braiding without obtaining a license or any other

3 authorization from a professional board of this state and is not

4 subject to educational or training requirements. A person

5 practicing hair braiding may work at or be employed by a salon

6 or other place of business or may practice hair braiding
7 individually.

8 (b) Notwithstanding any provision of this code, a shampoo
9 assistant is not required to obtain a permit or any other
10 authorization from a professional board of this state and is not
11 subject to education or training requirements. A shampoo
12 assistant may work at or be employed by a salon or other place
13 of business or may practice individually as a shampoo assistant.

14 (c) Notwithstanding any provision of this code, the board has
15 no authority to propose legislative rules to implement the
16 provisions of this section or to exercise any jurisdiction or
17 authority over the practice of or any shampoo assistant or acts of
18 hair braiding or the qualifications for a person to practice hair
19 braiding.

§30-27-10. Professional license and certificate renewal requirements.

1 (a) A professional licensee and certificate holder shall
2 annually or biennially on or before January 1, renew his or her
3 professional license or certificate by completing a form
4 prescribed by the board, paying the renewal fee and submitting
5 any other information required by the board.

6 (b) The board shall charge a fee for each renewal of a license
7 or certificate, and a late fee for any renewal not paid by the due
8 date.

9 (c) The board shall require as a condition of renewal of a
10 professional license or certificate that each licensee or certificate
11 holder complete continuing education: *Provided*, That a licensed
12 ~~barber who has been licensed for twenty years or more~~ is exempt
13 from the continuing education requirement of this subsection
14 except, beginning January 1, 2016, licensed barbers must take a
15 sanitation course through a program approved by the board each
16 year for the first five years after becoming licensed and once
17 every five years thereafter for fifteen years; *Provided, however,*
18 That cosmetologists and hair stylists must take four hours of
19 continuing education training annually for the first fifteen years
20 after becoming licensed; *Provided further,* That the Board shall
21 approve for credit for continuing education any education course
22 providing instruction in any curriculum, subject matter or
23 discipline included in the education required for licensure that is
24 submitted to the board or offered by:

25 (1) A licensed school or instructor;

26 (2) A manufacturer or distributor of barbering or
27 cosmetology products;

28 (3) A barber or cosmetology trade organization; or

29 (4) Any course offered at an accredited private or public
30 university, college or community college in this state.

31 (d) The board may deny an application for renewal for any
32 reason which would justify the denial of an original application
33 for a license or certificate.

§30-27-11. Work permit.

1 (a) The board may issue a work permit to practice to an
2 applicant who meets the following conditions:

3 (1) Has graduated from a licensed school approved by the
4 West Virginia Council for Community and Technical College
5 Education or has completed education requirements in another
6 state and meets the licensure provisions of the board;

7 (2) Is waiting to take the examination;

8 (3) Has employment in the field in which he or she applied
9 to take the examination and is working under the general
10 supervision of a professional licensee;

11 (4) Has paid the work permit fee;

12 (5) Has presented a certificate of health issued by a licensed
13 physician;

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

16 ~~(7) Meets all the other requirements specified by the board.~~

17 (b) A work permit expires at the end of the month after
18 issuance following the next examination in the specific field. A
19 work permit may be renewed once.

20 (c) While in effect, a work permittee is subject to the
21 restrictions and requirements imposed by this article.

§30-27-13. Display of professional license and permits.

1 (a) The board shall prescribe the form for a professional
2 license and work and student permits, including a photograph,
3 and may issue a duplicate license or permit, upon payment of a
4 fee.

5 (b) Every professional licensee and work permittee shall
6 display his or her license or permit in a conspicuous place at his
7 or her work station.

8 ~~(c) Every student shall have available his or her student
9 permit and be able to produce it upon request.~~

10 ~~(c)~~ (c) Every professional licensee, work permittee ~~or student~~
11 must present such license, permit or registration to an
12 investigator/inspector or a board member upon request.

§30-27-16. Certification requirements to be an instructor in a school.

1 ~~(a) The board may issue a certificate to be an instructor in a
2 school to an applicant who meets the following requirements:~~

3 ~~(1) Meets the educational requirements established by the
4 board;~~

5 ~~(2) Has completed the required instructor's training;~~

6 ~~(3) Has passed the instructor examination;~~

- 7 ~~(4) Has paid the appropriate fees;~~
- 8 ~~(5) Presents a certificate of health from a licensed physician;~~
- 9 ~~(6) Is a citizen of the United States or is eligible for~~
10 ~~employment in the United States; and~~
- 11 ~~(7) Has fulfilled any other requirement specified by the~~
12 ~~board:~~
- 13 (a) The Board shall issue a certificate to be an instructor in
14 a school for barbering, cosmetology, hairstyling, nail technician
15 or aesthetics if a person:
- 16 (1) Completes an application prescribed by the Board;
- 17 (2) Holds a current West Virginia license in the field in
18 which the person seeks to teach or equivalent from another state
19 as determined by the Board;
- 20 (3) Completes a one year instructor training course in a
21 school that is licensed by the West Virginia Council for
22 Community and Technical College Education;
- 23 (4) Passes the instructor training final examination; and
- 24 (5) Passes a national written examination in instructor
25 training.
- 26 (b) All instructor certifications must be renewed annually or
27 biennially on or before January 1, and pay a renewal fee.
- 28 (c) A certification to be an instructor issued by the board
29 prior to ~~January 1, 2009;~~ the effective date of this section shall

30 for all purposes be considered a certification issued under this
31 article: *Provided*, That a person holding a certification issued
32 prior to ~~January 1, 2009~~; the effective date of this section must
33 renew the certification pursuant to the provisions of this article.

34 (d) An instructor with an expired certificate must comply
35 with the following to renew his or her certificate:

36 (1) Notify the board that he or she wants to be placed on
37 inactive status; or

38 (2) Pay all lapsed renewal fees;

39 (3) Present a new certificate of health; and

40 (4) Meet the qualifications for certification set out in this
41 article.

42 (e) A certified instructor is not required to have an active
43 professional license, unless the instructor is in fact practicing
44 outside the scope of his or her employment as an instructor.

