

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

H. B. 2777

2015 Carryover

(BY DELEGATES FAIRCLOTH, IHLE, HILL, KESSINGER,
STANSBURY, HAMRICK, HARTMAN, FERRO, ZATEZALO,
AND BLAIR)

[Originating in the Committee on Government
Organization.]

[January 13,2016]

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1 A BILL to amend the Code of West Virginia, 1931, as amended, by repealing §30-27-11a and
2 §30-27-12; to amend and reenact §30-27-1, §30-27-2, §30-27-3, §30-27-4, §30-27-5, §30-
3 27-6, §30-27-8, §30-27-8a, §30-27-10, §30-27-11 and §30-27-16 of the code; and to
4 amend said code by adding thereto three new sections, designated §30-27-8b, §30-27-
5 8c, and §30-27-8d, all relating to licensing of barbers, cosmetologists, and hairstylists;
6 revising the membership requirements of the Board of Barbers and Cosmetologists;
7 exempting shampoo assistants and hair braiding from licensure by the Board of Barbers
8 and Cosmetologists; changing the requirement for licensure of aestheticians and nail
9 technicians to registration; creating certifications; modifying barber apprentice program;
10 limiting continuing education requirements for barbers and cosmetologists; and modifying
11 the requirements to be an instructor in a school.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by repealing §30-27-11a
2 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-
3 27-8a, §30-27-10, §30-27-11 and §30-27-16 of said code be amended and reenacted; and that
4 said code be amended by adding thereto three new sections, designated §30-27-8b, §30-27-8c,
5 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 practice barbering, ~~barber permanent~~
2 ~~waving~~, cosmetology, or hair styling, ~~aesthetics, or nail care~~ in this state without a license issued
3 under the provisions of this article, or advertise or use any title or description tending to convey

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4 the impression that the person is a licensed ~~aesthetician~~, barber, ~~barber crossover~~, ~~barber~~
5 ~~permanent wavist~~, cosmetologist, ~~cosmetologist crossover or nail technician~~ or hairstylist, unless
6 the person has been licensed under the provisions of this article, and the license has not expired,
7 been suspended or revoked.

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

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

§30-27-2. APPLICABLE LAW.

1 The practices licensed or registered under the provisions of this article and the board of
2 Barbers and Cosmetologists are subject to the provisions of article one of this chapter, the
3 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 the following meanings, unless
2 the context clearly indicates otherwise:

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

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

8 (2) Applying, by hand or with a mechanical or electrical apparatus, any cosmetics,

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9 makeups, oils, powders, clays, antiseptics, tonics, lotions, creams or chemical preparations
10 necessary for the practice of aesthetics to another person's face, neck, back, shoulders, hands,
11 elbows and feet up to and including the knee;

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

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

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

16 (6) Applying artificial eyelashes and eyebrows; and

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

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

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

22 (d) "Barber" means a person licensed under the provisions of this article who engages in
23 the practice of barbering and has completed 1500 clock hours of training at a licensed school
24 approved by the West Virginia Council for Community and Technical College Education.

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

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

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

30 (3) Applications, treatments or rubs of the scalp, face, or neck with oils, creams, lotions,
31 cosmetics, antiseptics, powders, or other preparations in connection with the shaving, cutting or

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32 trimming of the hair or beard.

33 (f) "Barber crossover" or "cosmetologist crossover" is a person who is licensed to perform
34 ~~barbering and cosmetology.~~ who has completed 1500 clock hours of training, is licensed as a
35 barber, and completes an additional 600 hours of training to perform cosmetology

36 (g) ~~"Barber permanent waving" means the following acts done on the human body for~~
37 ~~compensation and not for the treatment of disease:~~

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

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

40 (h) ~~"Barber permanent waviest" means a person licensed to perform barbering and barber~~
41 ~~permanent waving.~~

42 (i) ~~(g)~~ "Board" means the West Virginia Board of Barbers and Cosmetologists.

43 (j) ~~(h)~~ "Certificate" means ~~an instructor certificate to teach in a school under the provisions~~
44 ~~of this article~~ a document issued by the Board for additional training received through a school
45 licensed in this state or through an industry recognized program.

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

48 (l) ~~(i)~~ "Cosmetologist" means a person licensed under the provisions of this article who
49 engages in the practice of cosmetology and who has completed 1800 clock hours of training at a
50 licensed school approved by the West Virginia Council for Community and Technical College
51 Education.

52 (m) ~~(j)~~ "Cosmetology" means any one or any combination of the following acts when done
53 on the human body for compensation and not for the treatment of disease:

54 (1) Cutting, styling, shaping, arranging, ~~braiding, weaving,~~ dressing, adding extensions,

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55 curling, waving, permanent waving, relaxing, straightening, shampooing, cleansing, singeing,
56 bleaching, tinting, coloring, waxing, tweezing, or similarly work on human hair, or a wig or
57 hairpiece, by any means, including hands, mechanical or electrical devices or appliances;

58 (2) Nail care;

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

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

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

66 (6) Performing aesthetics.

67 ~~(n)~~ (k) "Cosmetology crossover" is a person who has completed 1800 clock hours of
68 training, is licensed as a cosmetologist, and completes an additional 300 hours of training to
69 perform barbering.

70 ~~(n)~~ (l) "General supervision" means:

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

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

75 ~~(e)~~ (m) "Hair braiding" means any one or any combination of the following acts when done
76 on the human body for compensation and not for the treatment of disease: Braiding, plaiting,
77 twisting, wrapping, threading, weaving, interweaving, extending or locking of natural human hair

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78 or manufactured materials around human hair by hand or mechanical device.

79 ~~(p)~~(n)"Hair Styling" means any one or any combination of the following acts when done on
80 the human body for compensation and not for the treatment of disease:

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

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

87 ~~(q)~~(o)"Hair Stylist" means a person licensed under the provisions of this article who
88 engages in the practice of hair styling.

89 (p) "Hair stylist crossover" is a person who has completed 1200 clock hours of training, is
90 licensed as a hairstylist, and completes 300 hours of training to perform barbering.

91 ~~(r)~~(q)"License" means a professional license, a salon license or a school license.

92 ~~(s)~~(r)"Licensed school" means a facility which has been approved by the West Virginia
93 Council for Community and Technical College Education pursuant to section nine, article two-b,
94 chapter eighteen-b of this code, to educate persons to be licensed or issued certain permits under
95 the provisions of this article.

96 ~~(t)~~(s)"Licensee" means a person, corporation or firm holding a license issued under the
97 provisions of this article.

98 ~~(u)~~(t)"Nail care" means any one or any combination of the following acts when done on
99 the human body for compensation and not for the treatment of disease:

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

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101 (2) Performing artificial nail service; and

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

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

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

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

107 ~~(y)~~(x)“Professional license” means a license to practice as a ~~aesthetician, barber, barber~~
108 ~~crossover, barber permanent wivist, cosmetologist, cosmetologist crossover or nail technician~~
109 hair stylist.

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

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

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

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

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

121 (cc) "Shampoo assistant" means a person who performs only the following services:

122 (1) Shampooing and rinsing hair;

123 (2) Removing rollers or permanent rods; and

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

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

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

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

5 (1) One licensed cosmetologist or crossover cosmetologist;

6 (2) One licensed barber or barber crossover;

7 ~~(3) One licensed barber crossover or licensed barber permanent waviest;~~

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

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

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

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

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

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

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

20 (f) A member may not serve more than two consecutive full terms. A member may
21 continue to serve until a successor has been appointed and has qualified. A member serving on

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22 the board on June 30, ~~2014~~ 2015, may be reappointed in accordance with the provisions of this
23 section.

24 (g) A vacancy on the board shall be filled by appointment by the Governor for the
25 unexpired term of the member whose office is vacant and the appointment shall be made within
26 sixty days of the vacancy.

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

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

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

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

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

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

40 (n) Prior to commencing his or her duties as a member of the board, each member shall
41 take and subscribe to the oath required 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 article, by rule, in article one
2 of this chapter and elsewhere in law.

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(b) The board shall:

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

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

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

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

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

(6) Determine the passing grade for the examinations;

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

(8) Set operational standards and requirements for licensed schools; Provided, That a licensed school shall have a minimum of one chair per student; Provided further, That should the number of students exceed twenty, no more than twenty chairs shall be required.

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

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

(11) Investigate alleged violations of the provisions of this article, legislative rules, orders

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27 and final decisions of the board;

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

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

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

32 (15) Determine disciplinary action and issue orders;

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

34 (17) Report violations of the provisions of this article, and legislative rules promulgated
35 pursuant to this article, alleged to have been committed by a licensed school to the West Virginia
36 Council for Community and Technical College Education. The board may continue to investigate
37 any alleged violation that it receives by May 1, 2013, and shall conclude any such investigation
38 by July 1, 2013. If the board determines that probable cause exists that a violation occurred, the
39 board immediately shall advise and provide its investigation file to the West Virginia Council for
40 Community and Technical College Education;

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

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

45 (20) Establish the continuing education requirements for professional licensees and
46 certificate holders;

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

49 (22) Establish a fee schedule;

50 (23) Propose rules in accordance with the provisions of article three, chapter twenty-nine-

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51 a of this code to implement the provisions of this article; and

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

53 (c) The board may:

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

55 ~~(2)~~(1) Contract with third parties to administer the examinations required under the
56 provisions of this article;

57 ~~(3)~~(2) Sue and be sued in its official name as an agency of this state;

58 ~~(4)~~(3) Confer with the Attorney General or his or her assistant in connection with legal
59 matters and questions.

§30-27-6. Rulemaking.

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

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

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

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

9 (4) Educational and experience requirements;

10 (5) The passing grade on the examinations;

11 (6) ~~Standards for approval of courses and curriculum;~~ *Provided*, That the board may only
12 prescribe topics of study for each area of practice to be licensed, registered or certified, not the
13 specific curriculum or hours devoted to each area of study.

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

16 (8) A fee schedule;

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

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

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

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

22 (13) Requirements for investigations and inspections;

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

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

26 ~~(16)~~ (15) Establishing operating procedures for salons; and

27 ~~(17)~~ (16) Any other rules necessary to effectuate the provisions of this article.

28 (b) The legislative rules relating to barber apprenticeship; qualifications, training,
29 examination and certification of instructors in barbering and cosmetology shall expire upon the
30 enactment to the provisions of this article in 2015. The board shall promulgate legislative rules
31 pursuant to article three, chapter twenty-nine-a consistent with the provisions of this article as
32 amended in 2015.

§30-27-8. Professional license requirements.

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

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(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 licensed school which has been approved by the West Virginia Council for Community and Technical College Education or has completed education requirements in another state and meets the licensure provisions of 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: Provided further, That any examination shall meet national standards;

(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~~ 2015, 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~~ 2015, must renew the license pursuant to the provisions of this article. After July 1, 2015, the Board shall issue both barber and cosmetologist renewal licenses in the case of a barber crossover or cosmetologist crossover and shall issue a barber license renewal in the case of barber permanent wavist.

§30-27-8a. Barber apprentice

~~(a) The board may establish an apprenticeship program to become a barber. A person~~

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

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

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

9 (2) Is of good moral character;

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

12 (4) Has paid the applicable fee;

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

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

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

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

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

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

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

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

23 (d) A barber apprentice program shall consist of up to two years of supervised training by
24 a sponsor who shall advise the board in writing that the barber apprentice is ready to take the

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25 examination for licensure; *Provided*, that at the end of two years of supervised training, a barber
26 apprentice may take the examination for licensure without the recommendation of the sponsor.

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

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

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

32 (B) ~~The barber apprentice permit; and~~

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

34 (2) ~~Procedures for an examination;~~

35 (3) ~~A fee schedule; and~~

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

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

1 (a) A person may not advertise or represent himself or herself as an aesthetician or nail
2 technician in this state unless he or she is registered and by the board.

3 (b) To be eligible for registration by the board as an aesthetician or nail technician, an
4 applicant 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 "ability to benefit test" approved
8 by the United States Department of Education;

9 (4) Has graduated from a licensed school which has been approved by the West Virginia
10 Council for Community and Technical College Education or has completed education

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11 requirements in another state and meets the registration provisions of this section;

12 (5) Has paid the applicable fee;

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

14 (7) Is a citizen of the United States or is eligible for employment in the United States.

§30-27-8c. Certifications

1 (a) The Board shall issue a certification to an applicant licensed under this article who
2 obtains additional training at a licensed school that has been approved by the West Virginia
3 Council for Community and Technical College Education or an industry recognized training
4 program in the following areas:

5 (1) Waxing;

6 (2) Permanent waving;

7 (3) Barber crossover;

8 (4) Cosmetology crossover;

9 (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 practice hair braiding without
2 obtaining a license or any other authorization from a professional board of this state and is not
3 subject to educational or training requirements. A person practicing hair braiding may work at
4 or be employed by a salon or other place of business or may practice hair braiding individually.

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

9 (c) Notwithstanding any provision of this code, the board has no authority to
10 propose legislative rules to implement the provisions of this section or to exercise any jurisdiction
11 or authority over the practice of or any shampoo assistant or acts of hair braiding or the
12 qualifications for a person to practice hair braiding.

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

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

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

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

17 (1) A licensed school or instructor;

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

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

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

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

§30-27-11. Work permit.

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

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

6 (2) Is waiting to take the examination;

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

9 (4) Has paid the work permit fee;

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

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

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

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

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

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

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

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

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

8 ~~(d) (c)~~ Every professional licensee, work permittee ~~or student~~ must present such license,
9 permit or registration to an 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 school to an applicant who
2 meets the following requirements:

- 3 (1) Meets the educational requirements established by the board;
- 4 (2) Has completed the required instructor's training;
- 5 (3) Has passed the instructor examination;
- 6 (4) Has paid the appropriate fees;
- 7 (5) Presents a certificate of health from a licensed physician;
- 8 (6) Is a citizen of the United States or is eligible for employment in the United States; and
- 9 (7) Has fulfilled any other requirement specified by the board.

10 (a) The Board shall issue a certificate to be an instructor in a school for barbering,
11 cosmetology, hairstyling, nail technician or aesthetics if a person:

- 12 (1) Completes an application prescribed by the Board;
- 13 (2) Holds a current West Virginia license in the field in which the person seeks to teach or

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14 equivalent from another state as determined by the Board;

15 (3) Completes a one year instructor training course in a school that is licensed by the West
16 Virginia Council for Community and Technical College Education;

17 (4) Passes the instructor training final examination; and

18 (5) Passes a national written examination in instructor training.

19 (b) All instructor certifications must be renewed annually or biennially on or before January
20 1, and pay a renewal fee.

21 (c) A certification to be an instructor issued by the board prior to January 1, 2009, the
22 effective date of this section shall for all purposes be considered a certification issued under this
23 article: *Provided*, That a person holding a certification issued prior to January 1, 2009, the
24 effective date of this section must renew the certification pursuant to the provisions of this article.

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

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

28 (2) Pay all lapsed renewal fees;

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

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

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

33